# PROBATION AND DELINQUENCY

EDWIN J. COOLEY

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# PROBATION AND DELINQUENCY

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## AND
# DELINQUENCY

*The Study and Treatment of the Individual Delinquent*

BY

EDWIN J. COOLEY

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CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK

477 MADISON AVENUE

NEW YORK

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Catholic Charities of the Archdiocese of New York

PRINTED IN UNITED STATES OF AMERICA

JUSTICE requires as strongly the saving of that which is good, as it does the destruction of that which is evil. The work that the probation officers are doing is the saving of that which is good in the individual, along with the correction of that which is evil. Probation is the right hand in the administration of Justice.

CALVIN COOLIDGE.

4 D. 239

What gave him his extraordinary personal power was this; that from the Pope to the beggar, from the sultan of Syria in his pavilion to the ragged robbers crawling out of the wood, there was never a man who looked into those brown burning eyes without being certain that Francis Bernardone was really interested in *him;* in his own inner individual life from the cradle to the grave; that he himself was being valued and taken seriously, and not merely added to the spoils of some social policy . . .

ST. FRANCIS OF ASSISI
GILBERT K. CHESTERTON.

# PREFACE

Discussion of the crime problem has held public attention for some time past. Our present situation has been depicted as a warfare between armies of criminals and the forces of society. In certain quarters, it has given rise to recrimination of the administrators of justice, to demands for sternly repressive legislation, and to direful prophecies concerning the nation's future. No doubt, there is an element of truth in the view that we are beholding a struggle between social and anti-social forces. Nevertheless, we must remember that crime is the product of human beings. The real solution of the crime problem, therefore, can only be found by intensive, dispassionate study of the individual criminal and his developmental history.

This approach is endorsed by religion and sound philosophy which, in a sense, isolate the personality of man from all that surrounds him. The very term, "person," has been defined by St. Thomas Aquinas as "a complete substance having an intellectual nature, subsisting by itself and apart from other substances." [1] From this it follows that no two men are exactly alike and that the actions of any individual can be properly interpreted only in the light of a thorough understanding of that individual—an understanding which includes a knowledge of his character, background, environment, beliefs and motives.

Such were the principles that guided His Eminence, Cardinal Hayes in searching, after the manner of the Good Shepherd, for a way "to seek and to save that which was lost." [2] After examining various methods proposed for the solution of

[1] *Summa Theologica* III, q16a2.
[2] *Luke* XIX:10.

the crime problem, he came to the conclusion that in the probation system, with its study of the individual and its planning of appropriate supervision, society had developed an agency of great potentiality. Despite the criticism levelled at probation, he felt that it could be made a valuable instrumentality for the study and for the redemption of the criminal. The criticism did not, to his mind, constitute an indictment of the system itself, but was evoked rather by the inadequacy of staff and equipment, and the lack of a tested and enlightened methodology in existing probation bureaus.

It may be a truism to say that the success of probation depends upon thorough knowledge of the criminal's life and character. But if, as Archbishop Spalding has said, "no one has a clear knowledge of the history even of his own life; of the causes of his progress and retrogression; of the influences that surrounded the birth of his affections and the cradle of his thoughts; of the motives that impelled him in this direction or in that" [3]—if we are so ignorant of ourselves, how difficult must it be to understand thoroughly the life and character of a stranger whose experiences have differed greatly from our own. Probation then, to succeed, must be administered with painstaking care. It should not be condemned without a fair chance to make good.

Some years ago, Dr. Kerby wrote: "There are social as well as spiritual aspects of the mission of the Church. She is called upon within the limits of her power to serve every wholesome social end which contributes to the protection of justice, the insurance of social peace and the happy development of the cultural forces of life." [4] It was with a vision of this broad mission of the Church before his eyes, that His Eminence, Cardinal Hayes authorized the development of the Catholic Charities Probation Bureau, in the Court of General Sessions in New York County, in order to place in practice, the highest possible standards and ideals of probation work.

[3] Most Rev. J. L. Spalding: *Things of the Mind*, p. 129.
[4] Rev. W. J. Kerby: *The Social Mission of Charity*, p. 40

A Bureau, under Catholic auspices, had existed in this Court for many years. It had been maintained at the cost of much sacrifice; still, like other probation departments, it was limited in its resources and in its achievements. An attempt was now to be made to demonstrate the full potentialities of probation functioning under favorable conditions, with adequate equipment, resources and personnel, which in all its history had never before been available.

The progress of this demonstration was to be constantly studied so as to eliminate weaknesses, and to develop the work to the highest point of efficiency. The Bureau was to incorporate the best thought of modern social science. Constantly, attention was to be focused on the individual; the approach, instead of being objective and legalistic, was to be subjective and scientific. In this manner it was hoped to reach a definite objective, namely, the working out of an effective and comprehensive probation methodology which, when once definitely established and tested, was to be offered to the country at large.

In addition to the contribution it might make to probation methodology, this venture in modern scientific probation service was to study crime causation and to suggest plans for the rational treatment of delinquency and for the prevention of crime.

There was to be no coddling of criminals, and every precaution was to be taken to protect the interests of the criminal's victim and to safeguard the community from further depredations. With such care was this principle observed that only eighteen per cent of the 3053 delinquents investigated prior to sentence were accorded the opportunity of probationary treatment.

In order that the experiment might be directed by a capable probation executive, Mr. Edwin J. Cooley, Chief Probation Officer of the Magistrates Court of Greater New York, and a former President of the National Probation

Association, was selected by Cardinal Hayes. Accordingly, on a leave of absence, Mr. Cooley undertook the organization and administration of the Catholic Charities Probation Bureau.

Upon the establishment of the new Bureau, effort was made to put into effect the best known standards of probation practice, both in social diagnosis and in the case work treatment of offenders. An adequate staff of college trained men and women, who had had experience in social work and who were particularly adapted by temperament, stamina, and inherent capacity to meet the exacting requirements of the Bureau, was assembled. Cooperation with the clinics of the city was immediately established, and mental and physical examinations of defendants became a routine procedure in the investigation of cases.

Through its trained investigation staff, the Bureau was able to make an adequate preliminary investigation of each delinquent to guide the Court in pronouncing or suspending sentence. It is interesting to note that sixty-eight per cent of all the offenders investigated were found to have had little or no contact with religion, attending Church either irregularly or not at all. The further fact that forty-four per cent were under twenty-one years of age, and sixty-three per cent under twenty-five years of age indicated that in a good many cases the characters of the delinquents could be remoulded and upbuilt by intelligent, resourceful and trained supervision while on probation.

Only carefully selected cases were turned over by the Judges to the Bureau for such supervision. In fulfilling this duty, the Bureau measured up commendably to the case work standards of the most efficient family welfare agencies. Every aspect of the probationer's life was taken into consideration in planning and directing his rehabilitation. Strict discipline was insisted upon. Careful analysis of the current results testifies to the efficacy of this supervision work, for it indi-

cates that eighty-five per cent of the probationers will become permanently adjusted, to a helpful orderly life in the community.

It is gratifying to note that the efforts of the Bureau have been accorded very favorable comment by those well qualified to speak on the subject of probation. The official organ of the New York State Probation Commission declared:—

> It is no exaggeration to state that the best probation work for adult offenders to be found in the United States is done by this Bureau.

The bulletin of the National Probation Association contained the following observation:—

> The probation service of the country will watch with great interest the development of this nationally important department. We believe that it represents the most promising forward step in the extension of real probation service that has been made in recent years. To the Catholic Charities we express the thanks and appreciation of the probation service of the country for their signal contribution to the probation movement and to the public welfare.

From the very inception of the Catholic Charities Probation Bureau, Cardinal Hayes stated that he intended it to be a laboratory for the demonstration of the potentialities of modern, scientific probation work. He believed that the private direction of probation work in the Court of General Sessions, after demonstrating the value of the system and installing the highest standards of service, should be supplanted by public control. Probation is so integrally bound up with the courts, the police and the other governmental agencies for the administration of justice, that it is generally conceded to be a public function and should be under governmental control.

Upon this theory the Catholic Charities supported the Hackenburg Bill, sponsored by the Judges of the Court of

Probation is simply case work with the added 'punch' of the law behind it; so that when it is at all well done, it should have the more lasting results.

JOANNA C. COLCORD.

For the future we see yet deeper understandings of delinquents and criminals, of why they do what they do, and of what changes are wrought, for social weal or woe, by any and every step of treatment accorded them by their fellowmen. Offering high adventure, difficult and challenging, incomparably more beneficial to our time and civilization than polar exploration or unearthing ancient cities, is the discovery of the springs and sources and later conditionings of human conduct.

WILLIAM HEALY
AUGUSTA F. BRONNER

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# CHAPTER I

# CRIME, A PROBLEM OF YOUTH

It is for the interest of society to make the most of every useful gift or faculty which any member may fortunately possess; and it is one of the main advantages of fluent and mobile democratic society that it is more likely than any other society to secure the fruition of individual capacities. To make the most of any individual's peculiar power, it is important to discover it early, and then train it continuously and assiduously. It is wonderful how apparently small personal gifts may become the means of conspicuous service or achievement, if only they get discovered, trained, and applied.[5]

[5] Charles W. Eliot: *The Child: His Nature and His Needs.* P. 324.

## CHAPTER I

## CRIME, A PROBLEM OF YOUTH

### *Role of Youth in Crime*

The saddest and most alarming feature of the present crime situation is not the number of persons killed or injured, not the amount of property and money stolen, not the anxiety experienced by the law-abiding citizens, all of which are regrettable enough, but what is infinitely more serious, the fact that youth plays such an outstanding role in the gruesome drama.

The majority of the most spectacular crimes bruited in the public press has been committed by mere youths. Richard Reese Whittemore, recently hanged in Baltimore, was barely twenty-four years old. His vicious traits became evident before he was seven years old, and he was twice arraigned in Court before he was eleven. Two boys recently executed for murder in the State Prison at Sing Sing, New York, were merely nineteen years of age. Last June in New York City, a boy who shot and killed a grocer during a robbery was only sixteen years old, and his youthful companion was but fifteen years of age.

Of the inmates housed within the grim walls of Sing Sing Prison, 45 per cent. are youths under twenty-five years of age. Youths from sixteen to twenty-five years constituted 46 per cent. of the persons convicted in the Courts of Record in New York State for the year ending October 31st, 1925. In the Court of General Sessions of New York City, 62.8 per cent. of 3053 offenders investigated were less than twenty-five years old. Figures compiled by the United States Bureau of Census bring out the alarming fact that the arrests, convic-

tions, and commitments to the prisons of the country reach their maximum in the age group of twenty-one to twenty-four.

Furthermore, no matter what the age of the offender is at the time of his commitment to a penal institution, there has usually existed a long period of prior anti-social conduct. "It is during the youthful, formative periods of life," says Dr. Healy, "that tendencies toward social misbehavior begin."[6] A notorious example is Gerald Chapman, who although thirty-nine years old when executed, first entered the arena of crime at the age of sixteen.

Each year thousands of delinquent children come before the juvenile courts of the United States. Each year youth contributes its quota to the formidable army of criminals which penologists estimate to total over one and one-half million, or one out of sixty-seven of the whole population of the country. "And," states Dr. Kirchwey, "while we are checking the crime wave of the 'twenties, the material of the crime wave of the 'thirties is now in the making in children of six to twelve years of age in the streets of our cities."[7]

Not only do youths commit the greatest number of crimes in proportion to the population of the same age, but they are guilty of the most serious and desperate crimes perpetrated by human hands. The age group of twenty-one to twenty-four has the highest ratio for homicide, robbery and assault. Larceny is the chief offense of those under eighteen years of age committed to penal and reformative institutions.

### *The Gravity of the Problem*

What is the significance of the situation? What causes are operative in producing it? Who is to blame for it? Are there any means of checking it? If so, how can it be done? Finally, are we willing to do our part? These are vital, exigent ques-

[6] William Healy: *The Practical Value of Scientific Study of Juvenile Delinquents.* Page 8.

[7] George W. Kirchwey: *The Survey,* March 1926. Page 597

tions which challenge every patriotic citizen alive to the welfare of his country.

Consider the gravity and implications of the situation. The present phenomenon of crime means that every year hundreds of thousands of youths wittingly or unwittingly embark upon careers of crime, upon a course of conduct which spells suffering and death to thousands of others, and their own ultimate failure, misery, and degradation. What a menacing liability to the nation and the social body are these once fair and constructive human units! Where we should have creative and cooperative effort, we have a house divided against itself, society struggling desperately to defend itself against its plundering members.

Think of the energy, the ingenuity, the vigilance, and the money that society must utilize to protect itself against these anti-social elements. Crime costs the United States ten thousand million dollars a year. Hundreds of thousands of persons have to be employed, thousands of courthouses and prisons have to be built, millions of dollars have to be spent in providing vaults, locks, and burglar alarms, and more millions have to be provided for burglar insurance and bonding employees. What a waste, what a dead loss of human energy and material wealth, what a vitiating reservoir of hatred, resentment, and suspicion is amassed during this deadly, unremitting, internecine war.

### *Why is Youth in Crime*

Now, what causes, what conditions and factors are treacherously at work gnawing at the very foundation pillars of the social edifice? What powerful influences, unknown and unsuspected by most of us, are ruthlessly distorting and maiming the lives of our children and youth? Why does youth fly in the face of society's laws and decrees? Why does it tear asunder as gossamer threads the precious fabric of law and order, of faith and good will, which society has so laboriously woven during untold ages? Is it not high time

that we halted to take account of such a deplorable situation and that we commenced to set our fair house in order?

Too often we find youth in revolt and maladjusted,—in the home, in the school, in the neighborhood, in industry, at places of amusement, and most of all within the flaming crucible of his own spirit, wherein are surging and seething the newly awakened life-forces of his own being.

Perhaps a study of these relationships may throw some light on the problem.

*Maladjustment in the home*

The true home of the child depends essentially upon the attitude of the parents toward each other, and yet, in spite of the many excellent homes which exist, think of the variety of demoralizing and thwarting influences that are to be found in all too many families. Instead of kindliness and harmony, we have discord and defective discipline. Instead of solidarity and self-sacrifice, we find disloyalty and selfishness. In the place of health, consideration and cheer, we discover disease of mind and body, intemperance of speech and behavior, and despair. And let us not forget that the home in which the welfare of childhood is subordinated to economic interests, pleasure-seeking, or selfish desires is potentially a delinquent producing home.

Social workers, psychiatrists, and physicians have traced youthful illnesses and delinquencies to maladjustments and conflicts in the home. Dr. William Healy, who first showed the relation between mental conflict and misconduct, states that jealousy, hypocrisy, and antagonism between parents, may cause in their children mental retardation, physical disease, or delinquency. Ethel S. Dummer asserts that the "scientific synthesis of psychology, psychiatry, medical opinion and social service, speaking through court clinics and nursery schools and bureaus of child guidance, now places the burden where it fundamentally belongs—upon the home, upon the parents." [8]

[8] Ethel S. Dummer: Foreword to *Youth in Conflict*. Page VI.

It is the spiritual and moral atmosphere of the home and the neighborhood that is significant. It is the failure to understand, the neglect and bad example, the vicious tone, the lack of religious training, the life, the companions and the customs in the houses and in the streets, which bring to bear their destructive forces on the thought and feelings of susceptible youth.

*Trouble in School*

Conspicuous among the causes that lead to tragedies of youth, Burt notes "grief arising out of the incidents of school life."[9] One third of the waking life of youth is spent in school. Much harm may come from teachers who are temperamentally unsuited to the profession and unaware of many of the deeper springs of youthful conduct and behavior. Sometimes discipline is either too lax or too rigid, the teacher does not hold the pupil's attention, the curriculum is impractical, uninspiring, *and unadjusted to the capacities and needs of the individual child,* moral education is neglected, or provisions for physical exercise and sports are not made. Whatever the cause, many children do not become adjusted.

"Truancy," states Dr. Van Waters, "may be a misplaced virtue. It may be a biological protest against bad air, mental or physical defects, or healthy criticism of a course of study hopelessly dull, heavy, mechanical and uninteresting. Frequently it is an attempt to evade responsibility, to escape meeting an issue; again it is a mode of self-expression, or of taking revenge."[10]

In any large public school system are found the beginnings of much of the delinquency which socially-minded men and women seek to cure in later years. The wrong handling of truancy, malicious mischief, theft, and sex transgressions may sometimes precipitate a course of subsequent criminality. A

[9] Cyril Burt: *The Young Delinquent.* Page 466.
[10] Miriam Van Waters: *Youth in Conflict.* Page 90.

weighty responsibility rests on the shoulders of teachers and school principals.

*Industry and Recreation*

Modern industry in the factories, the workshops, mines, and offices utilizes the freshness and vitality of the new generation. In this age of quantity production, mechanical routine work, exhausting and monotonous,—"dead-end" jobs, devoid of interest and incentive,—tend to weaken the self-control and mental and moral stamina of youth. Fatigue and boredom often drive them to seek vitiating and questionable amusements to stimulate their jaded nerves.

Although serious outbreaks of delinquency rarely occur during the hours of work, nevertheless, the remoter causes of such offenses often lie hidden in the failures, grievances, and discontent, arising from youth's experiences at his place of employment. Vocational maladjustment, resulting from work unsuited to the training, strength, or temperament of the worker, or the vicious influence of fellow-workers with loose moral codes, often play a distinct part in provoking delinquencies. Restless and impatient with irritating conditions, untrained youth flits from one occupation to another for reasons unknown to himself, because he cannot interpret the dissatisfactions and vague unrest which prompt such action.

Many forms of commercial enterprise and activities are guilty of another crime against youth. Unwholesome movies and plays, amusement parks, cabarets, dance halls, and poolrooms, unclean books, magazines, posters, postcards and pictures, the peddlers of drugs, contribute in varying degrees to the demoralization of youth. If the community atmosphere be tainted with what degrades life, if the unworthy things of life are allowed to be depicted in word and picture, and on the screen and stage, is it logically to be expected that youth will not be contaminated by such influences?

*Youth and Society*

Youth enters a world where on every hand he encounters conditions which are bewildering. He is confused by conflicting standards and codes of conduct, by the gaps between the ideals of behavior prescribed by the Church, the home and the school, and the constant revelations of conditions which do not conform to these ideals. He discovers the existence of reprehensible adult conduct which appears to flourish without any condemnation. Everywhere he sees a constant display of wealth, luxury, and self-indulgence easily attained. If the community tolerates diverse behavior codes, is it any wonder that youth finds it hard to steer a straight course? Much of the day of youth is passed outside the home, and it is from this great outside world of the community that he absorbs those experiences that silently but surely affect his habits of thought and conduct.

*The Internal Struggle*

Not alone is youth up in arms against the embattled forces of the world *in statu quo*, but within him are raging the disturbing forces of his own nature. "Adolescent strivings and aggressiveness," says Healy, "may lead in a direction of ambition and fine accomplishment, or may find outlets largely in delinquent trends."[11] Case studies evidence clearly that criminal tendencies and careers, with astonishing frequency, begin in adolescence. Adolescence is the period of unrest, uncertainty and instability, of the development of behavior tendencies, the set of character, and of habits of thought and action. The whole time is one of important adjustments. How to control the new impulses and to what use to put the new functions and the new strength are problems in the life of every youth. Much crime in later life may be the after-effect of poor direction and wrong habits begun during ado-

[11] William Healy: *The Practical Value of Scientific Study of Juvenile Delinquents.* Page 16.

lescence. It might often have been avoidable had the first manifestations been rightly treated during this crucial and formative stage, when most young people pass from the oversight of parent and teacher and take their first cold plunge into the sea of industry.

*Youth, the Eternal Hope of Progress*

And yet, despite his instability and ineptness, youth is the eternal hope of salvation, the auspicious promise of a new and better world. For youth is dynamic, instinct with growth, and portentous of change, revolution, and progress. Intense and dramatic are the conflicts of youth, and momentous to the world are the battles lost or won.

Sentimentality, hysteria, blind rage, or drastic punishment will not cure youthful delinquency. It cannot be checked by the future threat of prison walls or gallows. Youth needs sympathy, profound understanding, skilful guidance and training, and all the resources of modern science during his critical period of growth and infinitely difficult problems of adjustment. One cannot do better than follow the precept of the philosopher, "Neither condemn nor ridicule, but try to understand."

Let us consider some of the constructive forces which should be enlisted in a vigorous program of amelioration.

*The Task of the Home*

The responsibility lies in the largest measure with the parents. Nothing is more important than the home. Dr. Van Waters states:

> The home has primary tasks to fulfill for its young; to shelter and nourish infancy in comfort, without inflicting damage of premature anxiety; to enable the child to win health, virility and social esteem; to educate it to meet behavior codes of the community, to respond effectively to human situations which produce the great emotions, love, fear and anger; to furnish practice in the art

of living together on a small scale, where human relationships are kindly and simple.[12]

Harmony, insight, good example, and fine encouragement should be integral parts of the family life. And yet the child must not be pampered and indulged; he must be subjected to wise discipline and be trained to obedience, self-reliance, and courage, to relish the joy of struggle, work, and achievement among the sterner contacts and conditions outside the home. And most of all he must be taught *reverence,* a proper conception of himself, and his relationship to his Creator and his neighbor.

One of the greatest contributions of modern science is that of mental hygiene, which teaches that not only does the body suffer from devastating diseases, but that the mind itself is subject to its own insidious illnesses, which are just as dangerous to the child as physical disease. Mental conflicts and disturbances eventuate in disease, lack of physical and mental development, and delinquency, just as surely as do better known and more widely accepted factors. Parents should know the basic principles of mental hygiene and the laws of human behavior in order to guide their children effectively. "Being a parent," says Dr. Thom, "is the biggest job on earth." [13]

*Dynamic and Socialized Schools*

Upon educators, teachers, and school officials rests an almost equally important responsibility, not only in providing character-building and intellectual training and guidance in personality unfoldment, but also in heading off youth's maladjustments and delinquencies. The community is justified in demanding that its schools supplement, without interfering, of course, with parental responsibility, the disciplinary and moral shortcomings of the unsuccessful home.

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[12] Miriam Van Waters: *Youth in Conflict.* Page 63.
[13] Douglas A. Thom: *The Survey,* May 15, 1925. Page 229.

Already the modern school is evincing a profounder insight into the problems of youth. Teachers of more virile personality, broader equipment, and deeper realization of the behavior problems of their charges, by moral education and through the use of the project method of teaching, an enriched course of study, health education, more emphasis on outdoor sports and gymnastics, provision for vocational education, more attention to the graphic arts, music, and literature, are beginning to transform the schools into dynamic, colorful, and inspiring socializing centers. Soon modern schools will no longer be standardizing treadmills, mechanically moulding and often distorting their precious raw material of mind, heart, and spirit.

Valuable would be thorough mental and physical examinations of all children upon entering school to correct any physical difficulties and properly to grade the mentality of the children, so that the school training might meet their requirements. More schools should organize special classes for subnormal children, as well as provide interesting and inspiring activities for the more gifted. More visiting teachers to call on the parents and prevent and adjust school conflicts, would prove a marked addition to all school systems.

*Humanizing Industry*

Extremely helpful would be an attitude of sympathetic cooperation on the part of employers towards the younger workers in their employ. They could do much to eliminate the lack of training, remedy the restlessness, and cure the discontent of youth. Improvement of unsanitary conditions, reduction of monotony and strain, individual adjustment to the right type of work, provisions for recreational facilities, and opportunities for a larger participation in and responsibility for production would tend to remove many contributory factors to the growth of delinquency.

Amusement industries such as the theatres, movies, dance

halls, beach and park resorts, by curtailing sensationalism, vulgarity, and suggestiveness, and substituting more wholesome and constructive recreation, could contribute their share towards the upbuilding of character and prevention of misconduct in youth.

*Cooperation of Social Forces*

The responsibility for the understanding, the treatment, and the prevention of delinquency rests with the community. That society provides the strongest bulwark against delinquency which takes time to consider the problems of its youth. The conscientious and continued cooperation of all the forces and all the elements of the community is indispensable, for the problem is too vast and too complicated to yield to any one formula applied by any one group. It presents a difficult but a splendid task of social engineering.

The work carried on by the private social agencies in this country merits the highest commendation. And yet more attention to preventive work by means of mental hygiene, improvement of family conditions, vocational guidance, and proper recreation is necessary.

For the youths who overstep the legal bounds, it will be necessary to socialize our criminal law, individualize our justice, greatly improve the present system of courts, and organize correctional institutions on a different basis. It is obvious that the current and age-old methods have not enabled us to understand or to reclaim the youthful offender, or to prevent or to reduce crime. In probation and parole, the scientific and individualized method of approach needs to be more and more utilized. Great strides have already been made in some of the more advanced communities. What is necessary is a further dissemination of modern, scientific knowledge and technique to all communities in the country.

Governmental authorities, by the vigorous enforcement of child labor laws, the provisions for play-space, sports and games, the strict inspection of commercial amusement centers,

in short, by seeing that the community atmosphere is healthy and health-giving, would be playing their proper part in the guarding and guiding of youth.

*Religion as a Vital Factor*

Underlying all these is the necessity for the re-awakening of that deep and quickening religious spirit so eloquently presented by President Coolidge in his address last fall in which he stated:

> It is this absolute necessity for support of the Government, outside of itself, through religion, that I wish to impress upon this assembly. Without that support, political effort would be practically fruitless. The country needs more religion. I can conceive of no adequate remedy for the evils which beset society except through the influence of religion. There is no form of education which will not fail, no form of government which will not fail, there is no form of reward which will not fail. Redemption must come through sacrifice, and sacrifice is the essence of religion.

The most vital force in the upbuilding of the character of youth is the influence of religion and the Church. Religion must overflow from the Church into the daily life of youth. Its teachings must bring to him the eternal truths that misconduct is sin, that God is omniscient and omnipresent, and that even though he may escape social retribution, he will be called to account for his behavior by the Father of Justice and Mercy.

*Society Must Solve the Problem*

Our preliminary survey has ended. What has it taught us? One lesson is evident. The prevention of delinquency must be envisaged as but one inseparable part of the larger enterprise of child welfare. When adults are ready to divert more of their energies, with an "understanding heart," to guide the groping spirit of youth into proper adjustment in the com-

munity, crime will no longer remain a great social evil. Crime in youth is a challenge to adults. Every citizen who cares for the future of the nation will answer the challenge and resolve to do his part in the solution of this vital question.

Dr. Paul Hanly Furfey, of the Catholic University of America, states:

> The study of childhood is the key to the future. Vast social problems which will not yield to the efforts of reformers nor to the enactments of legislators, can be cured by turning our attention to the coming generation and starting them on the road of life aright. This needs patient, careful study. It needs insight and sympathy. It needs hard work. But it is worth it, a thousand times worth it, and the future shall be our reward. The present century is often called the "Century of the Child." If the present generation can merit this title, it will be to our everlasting glory. For with the child lies our hope.[14]

[14] Paul Hanly Furfey: *The Gang Age*. Page 156.

# CHAPTER II

# CRITICAL EVALUATION OF PROBATION

Probation officers may have all the elaborate definitions of what probation is that they may care to have, but fundamentally, probation is simply changing the habits of individuals and enlarging their group relationships. If the probation officer and probationer meet only occasionally, and home visits are infrequent and brief, can it logically be expected that the conduct of probationers will be revolutionized because they have heard the magic word 'probation'?

Probation technique must advance beyond the stage of 'ordering and forbidding,' and this advance will be made only when communities provide adequate probation service.[15]

[15] Frederick A. Moran: *Where Are We in Probation Work?*

## CHAPTER II

## CRITICAL EVALUATION OF PROBATION

There has arisen with the popular hue and cry against the criminal a companion antagonism, which is levelled in a threatening manner at those institutions and agencies which are engaged in the treatment and prevention of crime. It is perhaps natural that in dilating to such length on present day banditry and crimes of violence the press should have come upon instances wherein probation has failed, and so be led to the belief that probation itself is a failure. Criminology was also brought into public disrepute, and sentiment somehow got abroad that whatever was scientific was intended to coddle and whatever was tinged with vengeance and hysteria was efficacious for the prevention and treatment of delinquency.

Although there are obvious defects in methods for the constructive rehabilitation of offenders and in probation as generally practised, this germ of error has been seized upon and subjected to the heat of misinformation, exaggeration, and prejudice until it has been made to appear as a monster of social injustice and blundering. Probation is visualized as a stalwart opponent of society and the law, a sort of behemothan figure standing between crime and its punishment, snatching criminals from the grasp of ruthless Justice. Moreover, it has been insinuated or openly announced that this rescue of the offender from imminent punishment had all too frequently resulted in the return of the delinquent to his antisocial career. He is favored, as it would seem, by the protection of the probation officer, under whose supervision he might develop a Janus-like countenance, revealing to his

alleged benefactor the penitent visage of reform and to society in general the sneer of the criminal triumphant.

The critic, enraptured over the accidentals of an isolated case, or enthused over his discovery of specific deficiencies in a difficult service, is loud in his insistence that the criminal regards probation as a "soft snap" and a joke. Reformation, finally, is something which blooms only in the virile atmosphere of our prisons and rapidly shrivels away under the subtropical optimism and hot-house myopia and sympathy of the probation officer.

That the probation system is frequently weak and ineffective will be denied by none who is familiar with its history. That blunders are frequently made and that inefficiency is often characteristic of its reformative attempts may be allowed. Whether the advantages, the potentialities, and the practice of probation in certain localities outweigh the errors that may be found within it is a much mooted question. It is pertinent, therefore, to examine some of the problems of probation in the endeavor to learn whether probation has failed, whether it will fail, and if it fails, whether its downfall will be due to the efforts of those within or without its ranks.

*History of Probation*

It is interesting to note at the outset that, while crime and various methods of punishing it are recorded in our earliest historical fragments, probation has come upon the scene only in recent years. That it has been able to accomplish so much in a few years where so little had been previously accomplished in many years by other methods is indicative of its essential soundness and practicality. At times when probation is subjected to such a fire of criticism by the public, press, political leaders, and occasionally by social workers, it is well to remember that the system of punishment to fit the crime has blundered on ineffectively for centuries, while probation, with its plan of punishment adapted to the needs of

the individual, has led a career of success, which even its errors, mistakes, and failures cannot appreciably besmirch.

Our first juvenile court is but twenty-seven years old. The majority of our larger courts have been organized on their present basis for periods of from only seven to twelve years. During the past twenty-five years, probation has made amazing strides and has developed from a system confined to volunteers and inefficient workers, frequently police officers and others, who by training, experience, and education were unfitted for the work at hand, into a highly organized service, which is an integral part of the modern socialized court. From its humble beginning in Massachusetts, it has spread throughout the United States and, meeting many vicissitudes and almost constant animosity, has held determinedly to the position in which it was established and has eventually justified its existence.

The history of probation, however, is not entirely a chronicle of success. Even in those communities which were active in legislation for child welfare and for the general betterment of all conditions surrounding the child delinquent and non-delinquent, adult probation has frequently met with disinterest or disfavor. Being concerned with the adult offender, it has by indirection felt the force of all the vengeance and vehemence which has been hurled against him. With each startling outbreak of crime, the criminal has been flayed by public opinion and has been stigmatized as a menace to society, deserving of nothing but its organized hostility. He has been deemed too vicious and too vile to be worthy of clemency or consideration. It has been, therefore, a task resembling martyrdom for anyone to raise a feeble voice in behalf of the adult offender. This public antagonism has incidentally done much to stunt the growth of scientific adult probation systems throughout the country. Despite all these obstacles, however, probation has made an astounding advance and has now taken a permanent and distinguished place in the history of our criminology.

Figures gathered in 1926 show that adult probation has been adopted in 34 states and the District of Columbia, and the whole country and its insular possessions, with the single exception of Wyoming, have established juvenile probation. In 1925, more than 3,000 paid probation officers and an equal number of volunteers were used by the courts. In New York State the number of adults on probation increased from 2,852 in 1910 to 17,519 in 1926 (March) an increase of more than 500 per cent. over a period of sixteen years. Ten states—Connecticut, Georgia, Indiana, Massachusetts, New York, North Carolina, Rhode Island, Utah, Virginia, and Vermont—have established some form of supervision over both juvenile and adult probation work. Four states—Alabama, Arkansas, Oregon, and Pennsylvania—maintain state supervision over the probation work in their juvenile courts, and Wisconsin maintains control supervision of adult probation only, outside of the city of Milwaukee. The report of the New York State Probation Commission for 1925 shows that in that year the population of correctional institutions of the State was 16,063, and that 22,223 persons were on probation.

In all states except Massachusetts, limitations regarding the seriousness of the offense or previous convictions have been placed upon the use of probation for adults, and yet in the only State where there are no limitations upon the courts regarding who should or should not be placed on probation, the system has proven so successful that no jail has been built in the State for several decades.

*Probation as a Form of Punishment*

To some persons probation indicates the absence or abandonment of punishment and discipline and suggests only clemency. This is not true of probation when the system is properly applied. While probation is humane and beneficent in its purposes, it includes correction and discipline as very essential elements. Where the system is properly carried on, probationers realize very keenly that probation is something

serious. If necessary, the surveillance over the probationer may be so close, and the requirements as to conduct so exacting, as to become a very real form of punishment.

That probation may be made punitive is shown by the following facts:

Probation requires obedience to certain conditions and instructions and restricts the liberty of the probationer with respect to his actions, habits, recreations, associations, work, and place of abode.

Probation requires the probationer to report to the probation officer, or to the court, at specified times—sometimes as often as once a day; and such reporting is often an inconvenience and hardship.

Probation keeps the probationer under surveillance and subjects him to visitation in his home and elsewhere and to investigation as to his whereabouts and actions.

Probation often causes a probationer humiliation and leads to sincere remorse.

The probationer is made to realize that for violating his probation he may be re-arrested, imprisoned, fined, or have the probation lengthened and made more exacting. (About one-tenth of those placed on probation are subsequently committed for violating its conditions.)

Probation may include the requirement that the probationer while on probation pay a fine, restitution, reparation, or weekly payments for the support of his family.

In some cases probation is more of a punishment than would be imprisonment in jail, the imposition of a fine, or the requiring of bonds. Not a few men would prefer loafing in a warm jail during the winter months, to being obliged to work, to conduct themselves properly, and to be under probationary supervision. Others would prefer to pay a fine and have their cases closed rather than to continue, week after week, and month after month, under probationary oversight and restriction. Disorderly persons would often prefer to be placed

under bonds instead of being subjected to the supervision and direction of a probation officer.

In so far as probation is punitive, and in so far as punishment acts as a deterrent, probation has deterring effects.

*Proper and Improper Uses of Probation*

Success in probation work depends, among other things, on these conditions:

1. That courts select competent and faithful probation officers.
2. That courts select for probationary treatment suitable defendants.
3. That courts establish adequate periods for persons on probation.
4. That probation officers keep closely informed regarding the conduct of probationers.
5. That probation officers use effective means to improve the habits of those under their care.
6. That persons on probation proving unfit for such treatment be returned to court for other treatment.

While the purposes and proper use of probation are much better understood than formerly, the operation of the system in some jurisdictions is still far from exemplary. Careless and ineffective probation work, besides failing to reform offenders, may foster the belief that crime can be committed with impunity and may weaken public respect for criminal courts.

*Difficulties of the Task*

The causal analysis and the improvement through treatment of human behavior is a problem that has received the attention of educators, reformers, scientists, and social leaders since the beginning of time. Probation, however, is perhaps the first thoroughly organized system with the objective of the mental, physical, and moral rehabilitation of delinquents. In attempting to mould a worthwhile citizen from the mate-

rial with which the school, the home, and society in general has failed, probation is endeavoring to supply all that has been lacking in the past life of the individual and to give him certain constructive benefits which no other agency is equipped to supply. In the attempt to alter the delinquent's character and habits, social case work, as practiced by probation, is concerned with the health, education, family relationships, industrial status, recreational habits, attitude towards religion, and all the mysteries of the personality and conduct of the individual. Under probationary supervision, the delinquent is often receiving for the first time a scientific examination with a view to determining just what are his needs and just what methods of treatment may be used to bring about in him a favorable metamorphosis.

Modern probation considers the immense variations which exist in human personality and insists on treating each delinquent as an individual. It takes into account the great diversity of conditions and factors which operate to shape and modify the individual's character and conduct with the result that a specific plan of treatment is evolved to fit the peculiar requirements of each case. This modern and scientific attitude of probation is most convincingly demonstrated by the fact that it is ever on the alert to incorporate in its methodology and to apply in its plans of treatment the latest findings of science as relating to human conduct and behavior.

Probation finally is accepting a tremendous responsibility in that probationers are released into the community with opportunities for freedom of action. The conduct of the probationer then is not only a question influencing the individual and society, but also the entire probation system, and it must be evident that there is some great force responsible for the success of probation when these delinquents on their return to freedom are given to so few violations of probationary requirements. In attempting this task of reclamation, while the individual retains practically all of his freedom, probation, aptly called "A reformatory without walls," is engaged in a

work as comprehensive and as difficult as any that could be entrusted to any social agency or institution.

For the successful accomplishment of constructive rehabilitation as outlined above, it is obvious that the probation system must have at its service the most competent personnel and the most modern facilities. Let us examine for a moment the conditions under which the theories of probation are frequently operating and let us determine, if we can, whether the deficiencies of probation may be traced to some unsoundness in the theory of probation itself, or to incompetency among its workers, inadequate finances, and general public disinterestedness.

*The Probation Officer*

Dr. Van Waters writes:

> That there are certain areas of human work which must reject all but the very fittest; that art, religion, psychiatry and social work suggest themselves as fields whose full harvest yields up only in response to some special kind of human energy. They each demand a submission of one's self to discipline, something beyond learning the mere technique, or of practicing the rules of a profession. Ability to succeed requires something more than talent and those who seek to deal with the responding human personality need qualities other than those due to training and intelligence, as commonly conceived. Sheer cleverness does not create beauty or holiness or social response in human beings, although it may build bridges, erect institutions, run machines, make social investigations or compile statistics.[16]

The probation officer should be a person of good educational background, of special training in social work, and should bring to his task a warm sympathy and a deep rooted respect for the human personality. Unless he possess a genuine liking for people as he finds them, he cannot expect to understand and guide human character and conduct. The probation offi-

[16] Miriam Van Waters: *The Child, The Clinic, and The Court,* p. 240.

cer, to function effectively, should appreciate the profound importance of his task and have a genuine devotion to it.

The probation field is inadequately manned as to both the number and quality of its workers. Too many probation officers are not fitted for the work and lack the fundamental qualities of personality and a background resulting from training and experience, which constitute the basis for rich growth and development. Moran writes "the probation field is cluttered with well meaning men and women who possibly have served their communities well but who should be pensioned. It is too much to expect that they will be interested in new methods of work." [17]

The average salary of the 125 probation officers serving in the Courts of New York State outside of greater New York equals about $31.05 per week after an average service of eight years. In view of these facts, it is not to be wondered at that there are only a few courts in the United States that have definite standards regarding the educational background of the persons selected to serve as probation officers. Because of the inadequate salaries paid men and women with desirable educational qualifications and with specialized training, they are entering other fields of social service.

In writing on this subject recently, the Secretary of the New York State Probation Commission stated:

> Because of lack of training or personality or knowledge, only a limited number of probation officers play an important part in the broader movements of the day. In no sense can the majority of the probation officers be considered community leaders. In reality, a number are "shut in personalities" but these are the officers who are inclined to be critical and caustic of the probation officers who are real leaders and of new methods of work.[18]

Although there are many excellent workers in the field of probation who regard probation work as a profession, it is sadly true that there are also a great many who are unfitted

[17] Frederick A. Moran: Where Are We in Probation Work?
[18] The Catholic Charities Review, September 1926—Page 251.

by training and experience for the task before them and who have drudged along content to occupy an uncertain position in the world of social service. At the present time there exist on every hand means and material for professional training. Schools of social work and university departments of the social sciences have been established, and foundations and clinics throughout the country have published their findings and made them available to all who are interested. The responsibility, therefore, for inefficiency, the use of antiquated methods, and a general lack of professional spirit is to be directly borne by probation officers who have not taken advantage of the facilities for learning that were at their disposal.

Especially in the use of mental clinics and in the interpretation of the findings of physicians and in those phases of rehabilitation which deal directly with practical psychology and the influencing of character and behavior, lack of professional training constitutes a serious handicap. It is not infrequent to find excellent clinics, performing admirable scientific work in diagnosis and prognosis, whose efforts are accomplishing very little because the probation officers to whom their reports are submitted are incapable of interpreting them and carrying out the plans outlined.

The existence of a great number of probation officers who are unfitted for their positions is attributable, therefore, first, to the governing bodies of communities which do not see to it that adequate salaries calculated to attract workers of a high type are paid; and secondly, to the officers themselves, who, struggling under a low wage system, are content to perform their duties in the easiest way possible and with no thought to the practical improvement of themselves and their work.

*Lack of Effective Probation Methodology*

Unlike other professions, such as law, medicine, and engineering, which have formulated and adopted a well-defined

and effective methodology, probation and other social sciences are still in varying degrees carrying on their work in a highly individualized manner, which is responsible for the fact that the type of work done in any given locality is largely colored by the person directing it. Due to the lack of aggressive and able leadership in the probation field, there has been a distressing delay in the formulation of definite probation objectives and the crystallization of a scientific methodology of probation diagnosis and treatment. Probation has been consequently a more or less "hit or miss" affair with various standards of practice existing throughout the country.

We thus discover at the present time an unbelievable unevenness in probation work. The good impression made by a few excellent examples is rapidly obfuscated by the countless instances of mediocre and very poor service. We find probation officers who are totally unfamiliar with case study and treatment, and whose efforts have little in common with the standards of modern social work. Few courts are properly acquainted with the advantages of intensive and comprehensive social diagnosis.

As a direct result of the blundering, unscientific preliminary investigations in vogue in many courts, unsuitable persons are placed on probation and the probation officer has added to his own deficiencies and to the problems arising from his lack of equipment the further difficulty of attempting to reconstruct material for which the probation process is totally unsuited. In courts where mental and physical examinations are not made, the feeble-minded with fixed anti-social habits, the diseased, the drug addict, and the emotionally unbalanced are undoubtedly placed on probation when there are no facilities available to the probation officer for their proper treatment. Under such conditions as these, it is not to be wondered at that probation results in failure or, at best, in the stagnation of the individual under its supervision.

Not only is the diagnosis inadequate, but supervision is

often inadequate or is merely legal oversight, unconstructive and unimpressive. Often the probation officer, because of the great pressure of investigation, finds it impossible to devote sufficient time to the supervision of delinquents. It must be taken as an unquestioned principle that the results of supervision are in proportion to the time, ability, and energy devoted to this work. Effective case treatment cannot consist of routine reporting, exhortation and miscellaneous advice, or infrequent and hurried visits to the home. With the termination of probation at the expiration of a few months, moreover, there is no hope of accomplishing any definite and lasting results in the development of character in the probationer. Thus, for example, in New York State the home visits averaged less than eight a year to each probationer and lasted from ten to fifteen minutes each. In only five courts do the probation bureaus utilize a definite plan of constructive treatment. In other cases there is no assurance that the supervision is not indefinite, purposeless, negative discipline, and lacking in constructive imagination and sound guidance. Sometimes one wonders if probationers would not have made equally intelligent adjustments without the kind of aid they receive from probation officers.

Supervision cannot continue in a lax, haphazard manner without arousing the contempt of the probationer. It is, of course, empty optimism to expect any tangible and enduring result from supervision when the probation officer depends principally upon the reporting system, or is compelled to attend to too many cases, in some instances reaching the impossible total of two or three hundred. Under such conditions probation is the subject of general derision and becomes a menace to the community. What is necessary is an all-embracing standardization of probation, the formulation of a methodology of supervision, and a vigorous application of its principles in the work of rebuilding the character of the delinquent.

*Probation Not Appreciated by Public Authorities*

The general faults to be found in probation by anyone who seriously reviews its history and its present status are those which might be eliminated by the proper evaluation and sympathetic understanding of its aims and functions by legislators and public authorities.

The New York State Probation Commission states:

> The possibilities of utilizing probation as an effective method of changing unsocial habits of offenders have not as yet been realized because the probation system is handicapped by city and county authorities failing to make proper provisions for probation service, and because public officials and private citizens as yet fail to realize that probation is as much a part of the correctional system of the state as our prisons, reformatories or jails, and that communities have the responsibility of providing for a sufficient number of probation officers so that the community is protected and the individuals released by the courts on probation are given constructive treatment.[19]

It cannot be expected that successful probation work will be realized until public opinion demands that the proper fiscal authorities of the state, county or city provide sufficient funds to make available to the probation service of the courts adequate clerical help, modern equipment, and a sufficient number of probation officers. Whatever weaknesses exist in the present administration of the probation system are fundamentally due to the lack of social vision on the part of those who hold the public purse strings. It would be as logical for the destructive critics of probation to discard an automobile as unsound and useless when they refused to buy gasoline for it as it is for them to decry present probation methods when they will not provide the funds which are essential to the efficient operation of any organization.

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[19] Nineteenth Report. New York State Probation Commission, 1925.

*Probation Handicapped by Legal Traditions*

In addition to the difficulties which surround it through the negligence and disinterest of public authorities, probation finds itself allied too closely with the existing legal machinery and too often not accorded sufficient importance by court authorities. It sometimes finds its own efforts to reach a new era in the scientific handling of delinquents severely handicapped by hampering legal precedents, traditions, and conservative points of view. Obsolete principles of criminology and medieval theories of punishment, which have too often animated court procedure, have done much to make rather difficult the general acceptance of such a socialized concept of justice as probation implies.

Our existent legal machinery was constructed for the most part before probation came on the scene, and since the arrival of this embodiment of the theory of socialized justice, progress has been slow in the alteration of this machinery so that the work of probation might be synchronized with a social and scientific procedure. There is perhaps no greater evidence of this than the fact that the probation officer all too frequently has considered himself first as a court officer and second as a social worker, with the result that in probation cases, supervision has been guided not infrequently by belief in *force* rather than in *knowledge*.

*Larger Goals of Probation Not Realized*

As a brief examination of the field has shown, the larger aims and goals of probation are not recognized by a great number of probation officers, despite the fact that in a few isolated instances there exist probation bureaus whose work is commensurate with the standards of other social agencies. Potentially, probation represents an evolution in criminology far more important than any previous method of dealing with delinquents. Probation in its final analysis represents

society's faith and science's belief in the possibilities of altering and reforming human character and conduct. Probation is a process concerned primarily with the redemption of human character and the adjustment of the individual to the claims and responsibilities of society and the fulfillment of his inherent potentialities.

Giving the offender another chance is not probation. It is highly probable that he has already been given too many chances, and such a conception places upon him a responsibility in which he has usually lamentably failed. Showing his incapacity for self-direction by his anti-social conduct, the offender is evidently in need of a vital, inspiring, constructive force in his life of which he has previously been deprived. This is the task of the probation officer, and it is seen from it that probation is not so much supervision as it is intensive rehabilitative cooperation. Understanding and guidance, not repression and exhortation, are its keynotes.

The twin sciences of psychology and psychiatry have introduced to the art of dealing with human beings new elements which, if properly applied, are capable of making worthwhile contributions to the development of human character and the progress of social reform. To date, probation officers have been derelict in the appropriation to their methods of procedure of the findings and principles of these sciences. Consequently, unequipped with essential erudition, and possessing an inadequate and ineffectual knowledge of the problems they face and the solutions to them, their efforts toward the reformation of delinquent characters have too often failed. Unless probation officers and leaders can grasp the fundamental principles and the great vision of the scientific task of probation, their efforts will be little more than pathetic, and their dabblings with the delinquent will probably result in greater social wastage and injustice than might follow from even the devitalizing experience of a prison sentence.

*Probation a Profession*

Probation has become a dignified profession, demanding special aptitudes and intensive training both on the part of the executive and the probation officer. Higher ideals of methods and attainment have been evolved, requirements of diagnosis have become more searching and subjective, and the agencies and channels of rehabilitation have become more numerous and varied. For the probation officer merely to master the principles of advanced probation methodology requires a rich background of training and experience and intensive study under the guidance of executives of vision. The further mastery of the task at hand requires exceptional ability and persistence if high standards are to be met.

Above all, probation now demands the leadership of alert, capable, and well-trained men and women who, by personality and the wealth of their experience, are qualified to transform archaic probation systems into scientific bureaus on a par with, or superior to, the finest types of social service agencies. It devolves upon judges and social leaders and those who are at present occupying executive positions to acquaint themselves with the most modern principles, practices, and resources of probation, to apply these to their own problems, and to endeavor further to establish new and finer methods of probation procedure.

Slovenly and haphazard probation work, antiquated in vision and method, can no longer survive public criticism and investigation. Probation must be of such a high quality that it will be beyond even the suspicion of ineffectiveness. Many probation leaders contend that the inauguration of modern probation methods is impossible because they are unable to obtain adequate financial support and to pay attractive salaries and purchase essential equipment. However, it devolves upon them as leaders and pioneers to bring to the public an appreciation of their wants and to present their claims and needs to the proper authorities in a manner that will obtain the necessary financial support.

*Probation and Criminology*

Probation occupies a strategic position for the diagnosis of the contributory factors of crime. From probation records kept in an efficient and business-like manner can be drawn invaluable data as to the various elements involved in the anti-social conduct of the delinquent. Through scientific research similar to that of the physician who studies the pathology of the body's functioning and is thus better able to formulate a program of preventive medicine, probation can in turn suggest the precautions to be taken and the constructive and progressive steps to be initiated in the prevention of crime.

Probation, dealing with abnormal conduct in its acute pathological state and touching behavior on such a great variety of points, possesses a unique opportunity for outlining and testing effective methods for the improvement and normalization of human conduct. It can, if properly demonstrated, function not only as an invaluable aid to the court but can also throw additional light on the problems of crime causation and treatment.

*Recapitulation*

The future development of probation depends to a great extent upon the attitude towards it of the public and the public authorities. Should they continue a policy of condemnation without examination, it is evident that at the hands of a crime-inflated press and a hysteria-seized public, probation will not only be severely hampered in its efforts at bringing socialized justice to our courts, but will probably be so surrounded with prohibitions and taboos that it will become almost a negligible factor in our legal machinery.

An educated public opinion, however, will be of inestimable service to the cause of probation and thus to the cause of justice and the scientific and sensible handling of delinquents. It will demand that probation be supplied with materials

that will be a help and not a hindrance to its functioning and will further make it necessary that probation officers, who have often in the past been slip-shod in their methods, keep abreast of modern scientific trends in the fields of character-understanding and behavior. A wise public opinion will appreciate the fact that probation has never been, and is not now, perfect but will also understand that the theory of probation is essentially sound and worthy of preservation. It will note, too, that the theory has in many instances been successfully applied and that the high standard of work which has prevailed in one community can, under proper direction, be secured in another.

Probation has failed in many instances, but its percentage of failure is less than that of our prisons and no higher than that of social and legal institutions. It must be said for probation that many of its difficulties have been directly attributable not to the system itself, but to maladministration and to the failure to realize in practice its theory and plan. Its difficulties have been those of the pioneer. If we are to strike the figure of probation from the legal scene because there have been instances in which it has not accomplished all that was expected of it, we should logically also abolish our police, our prosecutors, our courts, and our prisons.

What the teacher is to the educational system, the probation officer is to the probation system. Probation is fundamentally a personal oversight and service. The searching for information, the counseling, the admonishing, the restraining, the encouraging, the aiding that go day after day and month after month to make up the real substance of probation, emanate largely from the probation officer. The intelligence with which the system operates, its sympathy, its grip, its true value are for the most part what he makes it. If he is a pusher, the probation has push; if he is a sluggard, the probation is sluggish. If he possesses insight, knowledge and adroitness, his methods are sensible, ingenious and fruitful; if he is ignorant and unimaginative, his actions will be perfunctory

and foredoomed to failure. This does not imply that the part played by the judge is not important; it means that in the long run, the probation is chiefly what the probation officer makes it.

As our vision of socialized justice is enlarged, and as we begin to appreciate more thoroughly the success of science where stupidity and a stultifying sameness of method have prevailed for ages, probation will become an ever more important factor in our legal machinery. This change, however, will not be brought about by any sudden magic of the moment or any lightning-like awakening of those in the places of power. It will come only after a long period of error, repeated demonstrations of probation's value, and energetic campaigns by probation executives and others who are in a position to broadcast its results and findings to the world. But come it will, or we must return along the opposite path to the tortures, horrors, brutalities, and blunderings that were enshrined with the Goddess of Justice in other ages. Probation is today, and will be tomorrow, as successful as public authorities and probation workers permit it to be. Its progress or retrogression will be attributable, in the final analysis, not so much to probation itself, but to the intelligence and capability, or stupidity and incapacity, of those who guide its destinies.

For the probation officer, as an expression of what he should be, might have been written the noble words of Emerson:

> The spirit only can teach. Not any profane man, not any sensual, not any liar, not any slave can teach, but only he can give, who has; he only can create, who is. The man on whom the soul descends, through whom the soul speaks, alone can teach. Courage, piety, love, wisdom, can teach; and every man can open his door to these angels, and they shall bring him the gift of tongues. But the man who aims to speak as books enable, as synods use, as the fashion guides, and as interest commands, babbles. Let him hush.[20]

[20] The Works of Ralph Waldo Emerson—Book 1—*Nature, Addresses and Lectures.* Page No. 133.

# CHAPTER III

# THE FIELD OF ACTION

A crank is a man who does his own thinking. . . . There never was an idea started but its originator was spoken of as a crank. Do you want to know why that name is given to the men who do most for the world's progress? I will tell you. It is because *cranks* make all the wheels in all the machinery of the world go round.[21]

[21] O. W. Holmes: *Over the Teacups.*

## CHAPTER III

## THE FIELD OF ACTION

"To the new type of social worker seeking to learn the art of human helpfulness is entrusted a supreme opportunity," states Dr. Van Waters. "Upon them it depends whether society will continue to 'try out' humanitarian theories and principles like probation and parole, or whether medieval darkness will again sweep our courts and institutions. A swelling tide of disrepute threatens to engulf much social work already in existence for delinquents. The public cannot know that *probation*, as conceived by students of human behavior, has never been applied to any large area for any length of time. The public cannot be expected to know that 'giving another chance' or turning out of the courtroom with an admonition, is not probation; probation is contact with a constructive personality, who is enlightened enough by nature and training to be able to translate the findings of scientific research into action useful for social treatment, and to induce growth. Knowledge far outruns practice. There is no longer reasonable doubt that delinquency could be checked, practically eliminated from the normal population, if a sufficient number of social workers would dedicate their lives to application of scientific knowledge of behavior we now possess." [22]

What follows is an attempt to present some of the results and findings of an experiment in modern probation, animated by the spirit and ideals of the great social vision, so graphically portrayed by Dr. Van Waters—an experiment conducted by the Catholic Charities Probation Bureau in the Court of General Sessions in New York City.

[22] Miriam, Van Waters: *Youth in Conflict*. P. 242.

*The Court of General Sessions*

The Court of General Sessions of New York City, the oldest Criminal Court in North America, was originally a British tribunal known as the Court of Quarter Sessions which received its charter from King Charles II. Though changed in many ways since its establishment nearly two and a half centuries ago, and modernized to meet the demands of different times and revolutionized social conditions, the Court of General Sessions of the County of New York, as in the days of its founding, is concerned solely with the adjudication of offenders indicted for felonies. It possesses no civil jurisdiction. Before its Judges appear those accused of the more violent crimes such as murder, robbery, arson, larceny, assault, rape, bigamy and extortion.

Two hundred and forty-two years ago, the first defendant before the Court made answer to the following indictment:

> Henry Thomassen, late of Long Island, planter, stands charged for that he nott haveing the feare of god before his eyes, but being led by the instigation of y' devell, the 19th day of December, in the five and twentieth year of y' reigne of our Sovereigne, Lord Charles the Second by the Grace of God King, did by force and arms, enter the cellar belonging to and being parte of the dwelling house of William Cox, merchant of this City of Newyork in the night season to witt, between the hour of 10 and 11 of the clock, the said Cox being then in his dwelling in y' peace of God and of the King; and did there feloniously and burglarly breake into the same with the intention to steale and spoil the chattels of the said William Cox, contrary to the Peace of our Sovereigne Lord & King, his crown and dignity.

Upon conviction, punishment as follows was ordained by the Court for the hapless defendant:

> "It is considered by the Court that Henry Thomassen is guilty of burglary fellony, and that he be branded on the forehead with the letter B, and be whipped on the bare back 11 strypes on the 14th day of November, in-

stant, in y' morning by 11 of the clock, before the Citty Hall and pay the cost of prosecution."

His wife, who was convicted of implication in the burglary, was condemned to be branded on the "fatt of the thumbs" for her part in the crime.

In the annals of the Court are to be found the names of some of the world's most notorious criminal characters, and before its Bench have appeared the most spectacular of the latter day bandits.

Some concept of the magnitude of the Court of General Sessions may be had from the fact that in the year 1925, 2,738 persons charged with felonies were convicted by plea or trial before its nine Judges, and charges against 2,804 others were disposed of by acquittal, dismissal, or discharge, or because defendants had been found insane or had forfeited bail.

An offender tried in this Court is usually arraigned in the Magistrates Courts of the City and, if the evidence warrants it, is held for the Grand Jury. Should the Grand Jury find sufficient evidence to warrant trial, it files an indictment against the defendant, and the case is tried in the Court of General Sessions.

*Denominational Probation Service*

Between the arrival of the first probation officer at the Court of General Sessions and the completion of nearly two years of service by the Catholic Charities Probation Bureau, runs one half of the story of probation progress in this country.

Through all those years, various charitable organizations maintained probation bureaus and worked conscientiously to solve the individual problems of delinquency on a denominational basis. Long before the concept of state and municipal conduct of probation in courts had been formed, these Protestant, Jewish, and Catholic agencies had been guided by the vision of community service. All too often their work was handicapped by the lack of funds, by insufficient personnel, and the regrettable absence of public interest and appre-

ciation, but despite occasional failures, their efforts in the field of probation constituted a distinct civic asset.

*Youth and Crime*

This type of probation service was still in existence in the Court of General Sessions when New York City was seized by what has been popularly characterized as a "crime wave." Newspapers daily were filled with accounts of the exploits of youthful, daring bandits, and on every side there was evidenced a degree of sensational crime, sufficient to give rise to the opinion that the criminal was at war with society. Drastic measures, confused and conflicting, were advocated in the press by political leaders, social reformers, educators, and others who saw in the asocial acts of youthful delinquents a serious menace to established order.

Out of this confused clamor for summary retaliation emerged the more rational opinions of a few who believed it a matter of supreme importance to determine why there existed such a prevalence of crime and why youth was playing such a startling role in its perpetration.

*The Bureau Established*

Deeply interested in this problem of crime and youthful delinquency and desirous of performing a service to the community, His Eminence, Cardinal Hayes, on January 11, 1925, announced that he would develop in the Court of General Sessions a modern probation bureau for the careful study and scientific treatment of delinquency.

Cardinal Hayes, through his Secretary for Charities, the Rev. Robert F. Keegan, in his initial statement outlined the basic policies of the work as follows:

> "The standards to be established under this experiment include the appointment of a large and well-trained probation staff which will make a social study, including mental and physical examination when necessary, of every offender prior to sentence. The methods of family

case work will be employed in the supervision of all probationers. An adequate clerical staff will be appointed and modern office equipment and records will be provided. The disciplinary aspects of probation will not be lost sight of, and violators of probation will be returned to the Court promptly for sentence. An employment bureau will be organized and other progressive developments will be instituted."

The Bureau, in the words of the Cardinal, was "to countenance no coddling of criminals and was to be deeply concerned with the protection of society and the human and property rights of the individual." Comprehensive diagnosis and intensive individualization of case work to insure the rational treatment of the delinquent were to be the salient features of investigation and supervision. A study of the causal factors of crime was also contemplated, with a view to formulating a program of prevention.

The new Bureau, therefore, according to the Cardinal's plan, was to be conducted on principles that had been, and still were, more frequently verbally endorsed than actually practiced. Scientific method, pursued with sympathy and understanding, was to lend a helping hand to justice. The delinquent was to be "regarded as an individual and was to receive individualized treatment." A complete history and thorough-going analysis and evaluation of each case presented were to constitute the objective, that the Judges might have all available data before them when passing sentence on the delinquent.

The venture was to be adequately financed and provided with all necessary facilities so that probation at last might have an opportunity, when rescued from the harassing worries of insufficient funds, limitations of staff, and poor equipment, to demonstrate its potential value to the community.

The period of the experiment was not to exceed two years, and it was hoped that thereafter the system of private Bureau direction would be supplanted by a publicly salaried Bureau under Civil Service regulations.

*Legislative Enactment*

To carry out this purpose, the Hackenburg Bill, providing for the establishment of a publicly salaried Probation Bureau in the Court of General Sessions, sponsored by the Board of Judges, was actively supported by the Catholic Charities of the Archdiocese of New York. On April 16, 1925, an act to amend Section 11-A of the Code of Criminal Procedure in relation to Probation in the Court of General Sessions was signed by Governor Smith and became a law, widely regarded as one of the best probation statutes ever promulgated in any jurisdiction. This law empowers the Judges of the Court to determine the number of probation officers, clerks, and typists necessary to the probation work of the Court and to fix their salaries. Thus the situation need never arise where the burden of cases from the Court will exceed the capacity of the Probation Bureau.

The new law is the only one in New York State and one of the few in the United States which grants the Judges of the Court full power to determine the number and salaries of the personnel of a probation bureau.

The publicly supported Probation Bureau will be inaugurated on January 1st, 1927.

*Budget and Organization*

Based on a careful study of the volume and nature of the work of the Court during the past six years and on a well-considered estimate of the needs of a publicly salaried Bureau, a Budget with supporting data and statistical tables was submitted by the Bureau to the Judges. This Budget provided for a staff to consist of a Chief Probation Officer at a salary of $7,500.00, two Deputies at salaries of $5,000.00, 36 Probation Officers at minimum salaries of $3,000.00 a year, and an adequate force of clerks and typists. The number of employees suggested for the contemplated Bureau totalled 67, and the Budget expenditures aggregated $210,672.25. This

Budget was adopted by the Board of Judges on June 16, 1926.*

To allocate, facilitate, and standardize the work and procedure of the proposed Bureau, a comprehensive set of Rules and Regulations, embodying the best principles and policies of modern probation practice, was also submitted to the Court.

When the Budget and the Rules and Regulations are finally put into effect by the Judges, the Probation Bureau of the Court of General Sessions of New York City will be equipped to carry on a quality of adult probation service heretofore unattained on any extensive scale. It will mean also that the present Bureau has made a permanent contribution to the probation work of this Court, and that the high standards maintained throughout its demonstration will become an integral part of the public service.

*Administration and Organization*

As soon as the present Bureau had been established, a methodology, embodying the highest standards of probation practice as well as the basic principles of social science, was put into effect.

The staff of the Bureau was organized and included, in addition to the Chief Probation Officer, a Supervisor of Investigations, a Supervisor of Case Work, the Probation Officers, an Employment Counsellor, Clinical Service, and a Registrar. An adequate clerical and stenographic staff was appointed, and the necessary office equipment was provided.

The probation officers, selected on a basis of personality and training, were all college graduates and were experienced in various branches of social work. Thus the Juvenile Court Standard of minimum educational qualifications for probation officers was put into practice.

A division of the staff into Investigation and Supervision Corps permitted the officers of each to give full time to their respective duties of diagnosis and treatment. Officers suited

* Modified by Board of Estimate and Apportionment.

for investigation work were developed along lines of social diagnosis, while officers with an aptitude for constructive case work were enabled to devote their full efforts to the supervision of probationers. Thenceforth, the investigation and supervision work progressed simultaneously to a level of accomplishment which in a large bureau is impossible without a division of staff.

*Training of Probation Officers*

One of the more important tasks confronting the administrator was that of providing additional and more intensive training for the probation staff. Because of the standards of probation practice and methodology which had been set up and because of the fact that the work in the Court of General Sessions presented some of the most difficult problems in social diagnosis and supervision, the Chief of the Bureau found it essential to take personal charge of this training process.

In a series of conferences the administrator explained the principles and standards which were to govern the probation service of the Bureau, and outlined and discussed the effective and practical steps necessary to the achievement of this character of work. Copies of model investigations and case histories, rules and regulations, as well as the necessary forms and records which had been prepared in advance, were given to each officer.

After the officers had commenced the actual work of social diagnosis and supervision, the various steps of these processes were checked up by the Chief of the Bureau, and when the work did not meet the required standards, attention was called to mistakes and shortcomings. As the experiment progressed, daily bulletins bearing on different angles of standard probation practice were issued to the staff. In addition the officers were given probation manuals and literature to study and were required to familiarize themselves with the technique of probation methodology.

Staff conferences for the discussion of specific problems and

difficult cases were held two or three times a week, either of the entire staff or of the investigation and supervision corps separately. In addition, the Investigation and Case Supervisors conferred currently with the officers in regard to the progress of their cases. Thus, through a system of intensive personal training, the setting up of exacting standards, and the checking up of errors or failures to meet these requirements, constant effort was made to bring the staff to a higher degree of efficiency.

Reading assignments in such subjects as criminology, mental hygiene, social case work, and psychology were given to the staff, and this material was discussed during the staff conferences. The officers were encouraged to take night courses and attend lectures on criminology, psychology, sociology, and allied subjects. During the summer period, practically all of the probation staff attended special courses at one of the leading universities of the city.

A library was developed at the Bureau for the use and training of probation officers. The facilities of the public libraries and the other libraries of the city were brought to the attention of the officers and freely utilized. The current publications in criminology, mental hygiene, and the other social sciences were made available, so as to keep the personnel of the Bureau in touch with the latest developments in these fields.

The members of the staff attended meetings, luncheon discussion groups, and district conferences of social agencies, as well as the National and State Conferences on Social Work and the National and New York State Conferences on Probation. Opportunities were provided for the officers to visit the medical and mental clinics, and to confer with the executives and case supervisors of the social service agencies in the city.

By these and other means there was offered to the members of the staff an opportunity to broaden their viewpoint, to

deepen their realization of the significance of their work, to arouse their enthusiasm, and to bring the service of the Bureau to a standard of excellence in social case work with delinquents.

In a penetrating statement, Van Waters declares that the personnel of a probation office is the most important single consideration in a community program for the treatment of delinquency. She writes:

> The probation staff should be well trained social workers of good personality. The minimum requirements of the Juvenile Court Committee on Standards should be followed. The fact that entirely disqualified persons serve as probation officers is the chief cause when probation fails to reduce delinquency. Probation is doomed if served by ill-trained officers, or if the probation office is administered politically. The personnel of the probation office is the most important single consideration in a community program for treatment of delinquency.[23]

*Social Service Exchange*

Through registration of all cases with the Social Service Exchange, the Bureau, which would otherwise have been conducted as an isolated, self-sufficient organization, was brought into working relationship with the social resources of the City of New York. The Social Service Exchange proved of inestimable value, for more than *sixty per cent.* of the cases investigated were found to have been known to other agencies. The information secured therefrom was eagerly utilized. When necessary, cases were also cleared through the Social Service Exchanges of other cities.

The Bureau, therefore, was enabled to establish contact with the social agencies, which possessed information, not only in regard to the particular offender, but also in respect to his family and his heredity. The Court of General Sessions was thus linked with the social forces of the Metropolis. This

[23] Miriam Van Waters: *Youth in Conflict.* Page 261.

cooperation of the social agencies of the city aided the Bureau greatly in its undertaking.

*Clinical Service*

Modern clinical service was also made available. The defendants free on bail were subjected to psychiatric, psychological, and physical examinations. In prison cases the detection by the prison psychiatrist or the investigation officer of any indication of abnormality resulted in a thorough-going examination. Thus, the mental, emotional, and physical status of the delinquents placed on probation was ascertained.

The great number of cases handled by the Bureau soon overtaxed the facilities of the organization clinic. Extra facilities were made available through the fine cooperation received from the clinics of the city, which devoted several clinic periods a week exclusively to the service of the Bureau.

*Criminal Identification and History*

In order to determine whether the defendant under investigation was a recidivist or a first offender, the Bureau, in cooperation with the Police Department, established a fingerprint system which was used to search local records and to secure out-of-town criminal records. The task of investigating the criminal histories of defendants was made a special work of the Bureau, and one officer was assigned exclusively to this duty.

The records of the Police Department, the Courts, and the correctional institutions in New York City were consulted in the course of the ascertainment of previous delinquencies.

To cities employing the Henry System, the fingerprint classifications were telegraphed, and to cities using other systems, the prints were forwarded by mail. Canada, South America, Europe, and the Insular Possessions were communicated with by telegraph and cable, and in a number of instances, valuable data was obtained from foreign countries in this manner.

*An Adventure in Probation*

Thus established, with a staff of competent probation officers and clerical aides and with modern office equipment, and supported by ample funds, and the generous cooperation of the Court and the Catholic Charities, the new Bureau embarked on its venture to ascertain whether or not probation practice could realize ideals of probation theory and genuinely merit the approval of the community.

# CHAPTER IV

## SOCIAL DIAGNOSIS—ENVIRONMENT

Socrates: And yet, O my friend, if true opinion in law courts and knowledge are the same, the perfect judge could not have judged rightly without knowledge.[24]

Seek not to be judge,
Lest thou be not able to take away iniquity.

[24] Plato: *Theothetus.*
Wisdom of Ben Sirach VII, 5.

## CHAPTER IV

## SOCIAL DIAGNOSIS—ENVIRONMENT

### *The Significance of Social Diagnosis*

The acceptance by the courts of the practice and the spirit of the social investigation of delinquents prior to sentence means virtually the endorsement of the fundamental philosophy of the modern scientific school of criminology. For social diagnosis, as conceived at present by the leaders in the probation field, embodies the essential principles of this school of thought. It represents the individualized attitude toward the offender, whether such offender be a delinquent minor, a runaway girl, or a desperate robber. Charles Horton Cooley states:

> No matter how mean or hideous a man's life is, the first thing is to understand him; to make out just how it is that our common human nature has come to work out in this way. This method calls for patience, insight, firmness, and confidence in men, leaving little room for the denunciatory egotism of a certain kind of reformers.[25]

This study of a delinquent and of his history and surroundings is an approach to the individual and his needs, rather than to an offense and its legal penalty.

### *The Scientific versus the Legal Attitude*

The contrast between the scientific and social approach toward the offender and the unscientific or legalistic procedure may be graphically illustrated by Dr. Healy's diagram of the elements as they are respectively dealt with by these two schools:

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[25] Charles Horton Cooley: *Human Nature and the Social Order.*

The following diagram indicates some of the general differences between a formally legal and a scientific method of procedure. We would stress the great contrast in treatment—the formal legal conception with its implications that how to treat conduct disorders is a matter well known and capably defined, mainly according to offenses, balanced against the newer idea that treatment should be the outcome of what is learned by the gathering of sufficient data, and in general by the development of a science of conduct.

CONTRASTING METHODS

| UNSCIENTIFIC | SCIENTIFIC |
|---|---|
| MAIN FACT of case regarded as | |
| OFFENSE | HUMAN INDIVIDUAL who has offended. |
| CONSIDERATION of case | |
| Limited by determination of fact, nature, and degree of offense with some few representations concerning offender. | Including careful study of various aspects of case—physical, mental, social—applying the methods of science or of business where causes and effects are investigated. |
| DISPOSAL of case | |
| Dealing with affair according to above determination of offense, but with limited knowledge of offender and causation. | Dealing directly, as far as possible, with causes or needs in their relation to future career. |
| BASIS OF ADJUSTMENT | |
| THEORY concerning how offenders are to be dealt with. | ASCERTAINED FACTS concerning causes and makeup of the individual; the latter interpreted both as related to cause and to potentialities.[26] |

In the diagnostic work a preliminary investigation of the case was required by the Court before sentence. After the delinquent had been convicted by a jury or had pleaded guilty,

[26] William Healy: *The Practical Value of Scientific Study of Juvenile Delinquents.* Page 12.

he was remanded to the City Prison for a period of one week, or longer if necessary, until this investigation was completed by the Bureau.

*Methodology of Diagnosis*

Dr. Burt states:

> A delinquent's character and conduct, what he now is and what he has just done, these are the fruit of a long and complicated process of development; and his present predicament, with all its problems and temptations, must be viewed, not as the mere sum of its contemporary constituents, but as the product of converging forces operating cumulatively throughout his life.[27]

Similarly, the social diagnosis, as carried out by the Bureau, constituted not only an analysis of the offender's personality and environment, and of the subjective and objective forces which had been instrumental in shaping the final product, but also a consideration of his tendencies and potentialities.

In considering the nature and the motivation of the offense, which provided a convenient starting point, attention was concentrated upon the inward character of the delinquent act, the etiology of its development, and not merely upon its outward formal classification. The study of the environment surveyed the defendant's social setting both morally and materially—the home and neighborhood in which he lived, his friends and associates, his places of amusement and employment, the temptations which had beset him, and the efficacy of parental control and discipline. The study of the personality and character of the defendant by a trained probation officer included psychological, psychiatric, and physical examinations.

After the assembling of these facts regarding the delinquent, and their analysis and organization, the next task was that

[27] Cyril Burt: *The Young Delinquent.* Page 8.

of their creative interpretation, so as to construct for the Court a well-rounded portrait of the delinquent's present status and an analysis of the genesis and unfoldment of his various traits of character and habits of conduct. This social diagnosis represented the individualized attitude toward the delinquent. Its approach was subjective and scientific as opposed to the objective and legalistic. The social diagnosis served as a bridge over which were carried to the Court the contributions made available by modern science.

Correctional treatment to meet the needs of the offender and not merely punishment based upon the offense, a greater safeguarding of the interests of the community, and a more effective administration of justice were the ends of the diagnostic work of the Bureau.

A definite methodology of diagnosis adaptable to any problem of delinquency was followed in each case. No matter how serious or trivial it might seem, each case was subjected to careful analysis. The spirit sought in the work was that expressed by Van Waters, that "the value of probation is determined by the clearness of diagnosis, the depth of the interpretation, and the amount of responsibility the individual officer feels for the outcome of the case."[28]

To insure satisfactory results, an officer was made responsible for the completion of *only twelve investigations monthly.*

To guide the investigator in his field work, a standard information sheet for recording the necessary data of an investigation was prepared and used. This field sheet, evolved after an analysis of the similar forms extant and so planned that it was adaptable to different situations, in addition to a questionnaire covering 162 items of study, contained also a section for addenda and explanation.

In the diagnostic procedure the study of the offender was according to the following plan:

[28] Miriam Van Waters: *Proceedings National Probation Association,* 1925. Page 60.

1. *DIAGNOSIS OF ENVIRONMENT* (*Environmental Factors*)

   A. *Legal History:* Previous Court Record, the Offense, Complainant.

   B. *Social History:* Personal History, Education and Early Life, Family and Neighborhood Conditions, Employment History, Recreation, Habits and Associates, Religious Observances and Training, Mitigating or Aggravating Circumstances of the Offense.

2. *DIAGNOSIS OF PERSONALITY* (*Constitutional Factors*)

   Heredity, Physical Condition, Mentality (Capacity, Traits and Interests), Emotions, Sentiments, and Beliefs, Character and Conduct, Manner and Appearance.

3. *SUMMARY OF DIAGNOSIS*

   Etiology of the Maladjustment, The Report to the Court.

### 1. Diagnosis of Environment

#### A. *The Legal History*

The first task of the investigation officer was to obtain the legal history of the offender. This included the search for the previous court record, a study of the offense, the complainant's version of the story, a consultation with the arresting officer, and an examination of data available in the District Attorney's Office.

*Previous Court Record*

The initial step in obtaining the legal history of the defendant was to ascertain his previous criminal record. As has been mentioned, the Bureau, to facilitate this work, established a fingerprint system in cooperation with the Police

Department of the city. For the first time in the history of the Court of General Sessions, the investigation officers were able to ascertain accurately the previous criminal records of offenders and the number, nature, dates, and dispositions of their past offenses. Because of the lack of a central bureau of criminal indentification in the city of New York, inquiry at thirteen different places exclusive of out-of-town examination was necessary to procure this history. The fingerprint classifications and police cards at Police Headquarters, the Department of Correction, and the Magistrates' Courts were consulted. The courts and correctional institutions of the city were visited in the course of the verification of previous delinquencies to make the record as complete as possible. From clues from various sources, the names of other cities in which the defendant had lived were obtained. Thus, at the same time that the local records were being searched, the record officer was communicating with other cities to obtain additional information. Often the search for a complete criminal record entailed cabling insular possessions, Europe, and South America. Frequently, criminal records furnished by other states and foreign countries were of great assistance in completing the criminal history of the defendant.

Unless the Bureau had been generously supported, this liberal use of the telegraph and cables would have been impossible.

The juvenile court history of the offender was also obtained and included in the investigation report to the Court. This was not considered as part of the criminal record but was submitted as social information which the judges could take into consideration prior to imposing sentence. The Children's Court records provided valuable data relating to the early life and conduct of the defendant.

*The Offense*

A study of the offense was made from all available sources, including the police, the complainant, and the District Attorney.

Every fact bearing on the crime was obtained and evaluated. The investigation officer examined the Court documents of the case and from them he secured the details of the offense and the names of the arresting officer, the complainant, and the Assistant District Attorney who had prosecuted the case.

The arresting officer was then seen, and his statements concerning the important elements of time, place, and circumstances of the crime were secured. His version of the story was important, because often he had caught the offender in the midst or in the culmination of the criminal act. His trained eye had observed the location, situation, and the details of the scene, as well as the manner in which the offender had conducted himself. Again, in case the defendant had not been arrested at the scene of the crime but had been later apprehended after investigative work by a detective, the latter was consulted as to the details of the situation.

The police station of the precinct in which the defendant lived was visited, for very often members of the police force were able to supply information as to the reputation of the defendant, his family, nature of his associates, and his general conduct over a period of years. The accomplices, if such existed, were also interviewed in regard to various aspects of the offense and to determine the measure of culpability.

The District Attorney was consulted because he had in his possession relevant data which, though not actually required in the Court documents, had been secured from witnesses, police officers, and out-of-town persons. All this supplementary information was made available to the probation officer. The District Attorney's cooperation and his analysis and digest of the facts of the case proved very helpful.

*Complainant*

During the investigation work of the Bureau, the complainant's side of the case was always considered, since it was recognized that he was usually a citizen whose personal rights had been violated or whose property rights had been

trespassed upon. His attitude regarding the punishment of the offender was ascertained and reported to the Court. In some instances, the complainant was interested solely in restitution for property damages or losses sustained, but in others he recommended the punishment of the offender. As his version of the extent of his injuries, the resultant physical pain, mental anguish, or financial loss was sometimes prejudiced and embittered, his statements were subjected to close scrutiny.

In these contacts with the police, the Assistant District Attorney, and the complainant, it was the aim of the Bureau to assist the machinery of justice, to insure the protection of society, and to arrive at a real understanding of the offender. Cooperation with the authorities for the purpose of restraining the habitual criminal and of salvaging the accidental delinquent was the keynote of the Bureau's work.

B. *Social History*

Obtaining the legal history of the offender was merely the first phase in the more comprehensive step of environmental diagnosis. It was only after the investigation officer had completed this operation that the essential part of diagnosis could be said to have commenced. From this point the probation officer proceeded to assemble the various facts of the defendant's personal and social history.

*The First Interview*

Realizing that the first interview with the defendant was the point of orientation in the whole investigative process, the officer endeavored to obtain the interest and confidence of the delinquent at this first meeting. Conversation in easy, colloquial style, the casual offer of a cigarette, and some offhand observation on an incident of the moment helped to open and carry along the interview. While topics of varied personal and general interest were discussed in leisurely fashion, no paper or pencil was in evidence. At some point or other, the fancy or interest of the defendant might be cap-

tured, and, unconsciously he would give expression to beliefs and opinions in which were mirrored for the interviewer the basic character and temperament that prompted them.

A friendly relationship having been established, the defendant was much more ready to discuss his life and difficulties. Reassured by the probation officer's manner and approach, the delinquent revealed the facts of his personal history, early life and education, his family and neighborhood conditions, his employment and leisure-time activities, and discussed his previous criminal experiences as far as they were known. In a surprisingly large number of instances also he revealed further information regarding his delinquencies which was definitely incriminating, as well as many mitigating circumstances which merited the consideration of the investigating officer. The defendant's attitude toward the offense, his personality and bearing were observed by the officer and set down on the field sheet as part of the permanent record of the investigation. After the first interview had been completed, the investigation proceeded rapidly. From the Social Service Exchange was learned which social agencies were acquainted with the defendant. These agencies were than consulted as to the history of the offender and his family.

The probation officer, realizing that any indications of mental deficiency, psychopathic manifestations, or insanity were significant, was careful to note any deviations from the normal. The existence of emotional instability, mental maladjustment, defect or disease, altered the subsequent course of the social diagnosis.

*Personal History*

The personal history of the defendant was ascertained, viz., his age, nationality, civil and marital condition, place of birth, the period of residence in this and other cities, etc., etc. Immigration records revealing the status of deportable aliens were often of decided help.

*Education and Early Life*

The school history, presenting as it does the graph of the defendant's first reactions to extramural environment, furnished not only the record of schools attended, the length of school life, scholarship, attendance and deportment, the grade attained and the age of leaving, but also revealed the defendant's mentality, classified as superior, normal, or defective. The majority of the offenders investigated by the Bureau were of dull normal mentality. The trend of character formation, evidences of response to disciplinary and educational treatment over a period of years, and warning signs of future delinquencies were brought to light by the study of the school history.

The records of the Board of Education in regard to truancy, the results of mental and physical examinations conducted under school auspices, and the case histories of children's courts, juvenile reformatories, parental schools, and orphanages also yielded their quota of information.

Frequently, in addition to truancy, records of infractions of school disciplinary rules, or dismissals and suspensions were discovered, which indicated the presence of early conflicts or maladjustments. During the analysis of the causes of the maladjustments, the probation officer sought to discover in what degree they had contributed to the contemporary delinquent conduct. The presence of mental deficiency was sought in case the school record showed that the defendant had been a pupil in an ungraded class, if he had repeatedly failed to be promoted, or if he had been retarded in his school work. The school history might also disclose evidence of early psychopathic traits, endocrine imbalance, and nervous disorders.

From the information obtained through the home visit, further details regarding the early life of the delinquent were ascertained. The occurrence of serious childhood diseases, falls or accidents, disturbing experiences, insults to psychosexual evolution, early traits and tendencies, constitutional

inferiority and deviations from normal conduct were noted and analyzed.

The defendant's amusements in childhood and youth, his early associates, habits of indulgence or repression, religious training and observance, and the age at which he first became delinquent were also noted.

The interpretation of these forces and conditions, which were present in the early life of the offender, led to a deeper understanding of the development of his character and conduct.

*Family and Neighborhood*

No other source of information could compare with the family in its variety and vividness of detail, in its intimate revelations of many facts in regard to the heredity, past history, environment, and character and conduct of the defendant. The home visit, if properly conducted, constituted a veritable mine of information.

The attitude of the families of the defendants varied from suspicion and resentment to confidence and eagerness to discuss this fresh calamity with an understanding personality.

Upon the officer's success in allaying the fears, correcting the misconceptions, and enlisting the confidence of the family members, and upon his ability to convince them of his desire to promote the best interests of a delinquent member, depended the comprehensiveness and accuracy of the data obtained during the home visit.

Knowledge of the defendant's heredity, the details of his early life, developmental history, unusual events or incidents, his conduct and attitude in the home, his personal habits, and the beginnings and growth of his delinquent career were the objects sought by the investigator during the home visit. The viewpoints of the family members were also obtained relative to the character and temperament of the offender, his progress and conduct in school and in his place of employ-

ment, the nature of his actions and reactions, and the reputation of his associates.

In the interpretation of the significance of the social data secured, the effects of the economic and moral conditions of the home upon the character, the health, and the industrial capacities of the offender were considered. The influence of poverty, of overcrowding, of a broken or unhappy home,—which may have resulted from death, desertion, non-support, divorce or legal separation—of alcoholism, and the immorality or harshness of the parents upon the personality and conduct of the delinquent were weighed. Significant were the progress or retrogression of the family in the social or economic scale and the qualities or abilities of the family members or the environmental conditions which may have influenced this trend. The existence of family solidarity, the efficacy of parental discipline, and the attitude of the other family members towards the delinquent in his early life, and at the present time, were also considered.

Combined with facts specifically related to the defendant were those concerning the other members of the family, their health, education, occupations, habits and associates, religious affiliations and reputation, the use of leisure time, social relationships, criminal records, and the temperament and character which might be utilized as assets or recognized as liabilities in shaping the future of the defendant.

Since it is the spiritual and moral atmosphere of the home and the neighborhood that is significant, defective discipline, vicious tone, lack of religious training, the gaps and stopgaps of the family circle, the life, companions, and the customs in the houses and in the streets were examined to determine the degree of their destructive influence upon the thought and feeling of the offender. The character of the street and neighborhood in which the delinquent lived was sometimes quite as important as the conditions inside the home or lodgings.

In visits to the homes, as in interviews with defendants, the Bureau was never dependent on casual or professional

interpreters. The staff included officers who spoke Italian, Spanish, Polish, Lithuanian, French, German, and the Russian and Slavic dialects, and it was a rare instance when anyone could not be understood through such media.

Previous addresses, always visited, were often fruitful sources of information. Marriage and birth records were particularly valuable in bigamy and rape cases and in determining the age of defendants who appeared younger than their declared age. When the family and other persons interested in the defendant lived at a distance from New York, the legal and social authorities and agencies were requested to conduct the necessary inquiries.

*Employment History*

The employment history of the offender was examined to ascertain in the first place whether he had been steadily employed. In case of unemployment, the delinquent's means of subsistence was definitely established. If he had been engaged in some legitimate type of work, the places of employment were visited and the employers interviewed. In this way the officer was able to discover the industrial position, the reliability, skill and industry of the defendant, and the reputation which he had enjoyed at his places of employment. The nature of the work, whether permanent or temporary, seasonal, full time or part time, skilled or unskilled, was also determined.

During the course of the inquiry, not only were the employers consulted, but many other sources of information were utilized; fellow workmen, labor union officials, police officers, Workmen's Compensation Bureau, Army and Navy records, seamen's papers, and when necessary, financial rating houses, banks, credit and protective associations, bonding houses, and immigration records. Through these sources were revealed the nature of the defendant's labor affiliations, the occurrence of industrial accidents or injuries, the length of Army or Navy service, domestic or foreign, and whether the discharge

was honorable or dishonorable. In connection with Army or Navy service, the Veteran's Bureau and Red Cross records yielded valuable social data. From the seamen's papers it was learned whether the defendant was in the country legally or whether he was a deserter from a foreign ship while in an American port and was therefore liable to deportation.

The careers of defendants who had been engaged in dishonest business and financial operations, and whose affairs were complicated by the claims of creditors or bonding houses and protective associations, were given special consideration. Dishonest employees also formed a subject of careful study. The immigration records were searched in order to determine the length of the defendant's stay in this country and to compare this with the time covered by the employment history. In many cases the existence of time not accounted for by the employment records was discovered, and the defendant was required to explain such discrepancies.

Although serious offenses were rarely committed during the hours of work, nevertheless, the remoter causes of delinquency often lay hidden in the failures, grievances, and discontent arising from the defendant's experiences at his place of employment. Such factors as vocational maladjustments resulting from work unsuited to the training, strength, or ability of the worker, the depressing effect of employment in blind alley jobs, and the vicious influences of fellow workers with loose moral codes played some part in provoking the delinquencies of the defendant. Sometimes the offender's record showed frequent changes in positions, the reasons for which could not be clearly explained by him, for he was unable to interpret the dissatisfaction and the vague unrest which had prompted his actions.

Many of the unemployed offenders were out of work because they had no conception of how to obtain proper employment. Often the offenders were untrained youths who had little or nothing to offer in the economic struggle, and who, therefore, found it impossible to adjust themselves with any

degree of permanency and consequently drifted aimlessly from one short-time job to another, earning little and constantly experiencing discouragement. It was during the hours of their leisure and unemployed periods that they often fell in with evil associates whose suggestions as to dishonest means of subsistence were eventually accepted and acted upon. Actual want was rarely the occasion for theft or robbery, for few of the offenders were in real need of food, clothing, or shelter.

Occasionally, the offender's reaction to unemployment was conditioned to a large extent by the attitude of his parents, who may have been over-indulgent, unsympathetic, or conflicting in their attitude. In cases where the mother thought that her son needed the morning hours for sleep and the father, on the other hand, threatened to turn him out-of-doors unless he obtained a job immediately, the delinquent's attitude varied from confusion to resentment in the presence of such cross-purposes.

From the fact that a fairly large proportion—50.2 per cent. of the offenders were unemployed for periods varying from a day to several months at the time of their arrest—one would conclude that unemployment, industrial incompetence, and temporary employment constituted serious untoward circumstances in the life of the delinquent.

*Recreation, Habits, and Associates*

The study of the delinquent's environment did not end with the study of the home. Influences beyond the circle of his family life that affected him were, at times, the sole factors in his delinquency. As a rule such influences were harder to ascertain and more frequently liable to be overlooked. They fell into three main groups; *first,* those connected with the delinquent's daily work; *secondly,* those connected with his leisure time; and *thirdly,* those exercised by his companions and friends, whether work-fellows or play-fellows. Of the

three the last was the most powerful and was the first to need consideration.

A careful inquiry, therefore, into the means of recreation and the habits and associates of the offender often afforded an insight into the causes of his delinquency and revelations of his character and personality. Since delinquency is nearly always the expression of a set of habits, the majority of offenders had not arrived at the brink of crime accidentally or by yielding suddenly to an unknown temptation. Often in his spare time activities, which the defendent frequently endeavored to conceal from the investigation officer, were discovered the inciting temptations and the ultimate provocations for the offense. The investigation endeavored to determine whether and to what extent the offender was influenced by association with bad companions, disorderly groups and criminal gangs, or by frequenting disreputable clubs, dance-halls, pool-rooms, gambling places, and speakeasies.

The majority of the delinquents worked up their anti-social impulses gregariously; that is, their criminal offenses were usually committed in the company of their associates. And yet a closer examination of the situation disclosed the fact that the delinquent had an inner predisposing tendency towards undesirable associates. The very fact that he preferred this kind of comradeship implied a condition of mind that in turn required an explanation and called for closer scrutiny.

On the other hand, it was very important to discover to what extent the defendant engaged in wholesome amusements and leisure-time activities and what, if any, desirable comradeship was present.

From interviews with friends and companions was obtained information as to the conduct and moral code of the defendant, his sociability, "squareness," self-control, his desirable traits of character, and his oddities and aberrations of conduct.

Furthermore, a study of the recreational life of the defend-

ant over a period of time revealed upward or downward tendencies in the formation of his character. Since in the selection of his leisure-time activities were evidenced the element of free choice and an indication of his natural tendencies and inclinations, herein as in no other aspect of his life were revealed the genuine character and personality of the offender.

The defendant's habits in regard to alcohol, drugs, and sex were ascertained and medical opinion thereon was secured.

*Religious Training and Observances*

Careful inquiries were made as to the religious training and observances of the delinquent, whether they had ever been an influence, and particularly when and why religion ceased to be a positive factor in the development of his life and conduct.

His Church attendance, adherence to religious duties, the strength or weakness of his spiritual beliefs and moral knowledge, and their influence on his adult life were carefully noted. In the majority of instances, there had been little religious training and religious observances were irregular or had been abandoned. Without this stabilizing influence, character deterioration frequently followed.

*Mitigating or Aggravating Circumstances*

During the course of the diagnosis, an examination of the mitigating or aggravating circumstances of the offense, according to kind, whether that of acquisitiveness, pugnacity, or sex, was made by the investigation officer. Effort was made to determine the intent of the offender and such factors as premeditation, deliberation, instigation of associates, impulsiveness, or chance. The cooperation of accomplices, whether they were occasional or deliberately organized for criminal activity, and whether the defendant rendered the police assistance subsequent to his arrest, were also considered.

In crimes of acquisitiveness, such details as the total num-

ber of thefts or robberies committed, the period over which these activities extended, and the methods used in their commission proved illuminating. Significant also were such factors as the extent of injury to the complainant, the manner in which the stolen goods were disposed of, the profits attained thereby and their disposition, whether the property could be recovered or restitution made, and whether the defendant was willing to aid in disclosing the identity of confederates and the receiver of the stolen property.

In considering crimes of pugnacity, the exact nature and extent of the complainant's injuries, the time lost from work, the kind of weapon used, and what constituted the motivation were some of the more significant facts ascertained.

In examining the circumstances of sex offenses, points of inquiry were the age, mental condition, and previous reputation of the complainant, existence of pregnancy or social disease, disparity of race or color, and the defendant's willingness to provide for the child, if there were one.

Not only were the above objective factors considered, but also those weaknesses and faults of character and personality, such as recklessness, excessive egotism, pathological lying, lack of emotional stability, poor physical stamina, nervous debilitation due to excessive use of alcohol or drugs, and other constitutional or personality factors which may have weighed heavily as untoward circumstances.

In all types of offenses, the officer, by ascertaining the measure of culpability of the defendant, obtained a clearer knowledge of the nature and potentialities of offenders.

Dr. James Jackson Putnam points out that:

> One of the most striking facts with regard to the conscious life of any human being is that it is interwoven with the lives of others. It is in each man's social relations that his mental history is mainly written, and it is in his social relations likewise that the cause of the disorders that threaten his happiness and his effectiveness and the means for securing his recovery are to be mainly sought.

# CHAPTER V

# SOCIAL DIAGNOSIS—PERSONALITY

It should be for us, the study of the infinitely subtle mechanisms of the mind, the understanding of the makeup and the workings of a human being's mental organism. And the psychological approach is the method which opens the way to the human soul through this understanding. It is the method of intensive search for motives and causes, based on a thorough knowledge of the reactions and responses of the (client's) mind, often, at first, inexplicable and mysterious; the method that urges one to go on with persistent patience.[29]

[29] Hans Weiss: *Proceedings of the National Probation Association.* 1925.

## CHAPTER V

## SOCIAL DIAGNOSIS—PERSONALITY

During the process of diagnosis, the efforts of the investigation officer were directed towards a deeper insight into the character and personality of the delinquent. The whole constitution of the individual's personality was considered—his heredity, physical condition, mentality, emotions, sentiments and beliefs, character, free action and behavior, and his manner and appearance. In the summary of personality these qualities and conditions were examined in relation to the crucial problem of conduct.

From the psychiatric, psychological, and medical clinics, from the teacher, the employer, the family, neighbors, priests, and others was obtained the great variety of information which served to fill in the details and furnish the background for the personality portrait. As Adolf Meyer has said wisely, "it is in each man's social relationships that his mental history is largely written."

Finally, it devolved upon the probation officer to assemble and classify this data, and arrive at the final estimate of the delinquent's character and personality.

### *Heredity*

Any thorough social inquiry must attempt to discover the influences which were operative long before the individual was born. In every case the diagnosis must include a review of the racial stock of the offender. In recording the family history, the following data was therefore obtained relative to the defendant's paternal and maternal ancestry and the sib-

lings: the place of birth, the number of years in this country, the general health and intelligence, education and occupation, and the existence of criminal records. Information was also secured as to the occurrence of chronic and exhausting diseases, such as tuberculosis, heart disease, syphilis, cancer, or kidney trouble, as well as insanity, epilepsy, feebleminded-ness, alcoholism, drug addiction, paralysis, chorea, convulsions, or marked neurotic tendencies. Their possible influence on the character and conduct of the offender was a factor seriously to be considered.

It was only in rare instances that criminal records of the defendant's parents, brothers and sisters, or other relatives were discovered. The scarcity of such evidence indicated quite clearly that the defendants did not inherit any criminal instincts from their parents, and even when criminality existed, no causative connection was discovered. Occasionally the presence of various inherited constitutional weaknesses, both of a mental and physical nature, was observed, which may have exercised an indirect effect in predisposing the defendant toward crime. It could not be said, however, that they had exercised an inescapable propulsion toward anti-social conduct.

*Physical Condition*

Physical examinations were conducted in order to determine the exact status of the physical condition of defendants. More than 60% of those examined were found free of any serious diseases or defects, but in the remaining 40% there was revealed the presence of organic defects or diseases, functional derangements, nervous afflictions or disorders, or the existence of defects of some special sense organ. The influence on behavior and conduct of adolescence and growth, of debilitating conditions, glandular deficiencies, social diseases, chronic alcoholism, and drug addiction was considered. Nervous instability and physical discomfort, from sources some-

times trifling, are apt to aggravate general nervous irritability and in particular to increase impulsiveness.

The delinquent, as such, conformed to no definite physical type, and constitutional inferiority as a cause of crime was a negligible factor.

*Mentality (Capacity, Traits and Interests)*

The study of the defendant's general information and experience, his training, interests and aptitudes, combined with his mental traits, such as the quality of memory processes, the nature of his imaginative power, reasoning abilities, alertness, power of judgment, and constructive planning provided the investigating officer with significant information. Often in the probing of the mental attitude and reasoning processes, there was revealed the presence of anti-social beliefs or mental conflicts which constituted the basis for the delinquent conduct.

A knowledge of the mental capacity of the offender was a vital point of the investigation. A psychological examination revealing the intelligence quotient of defendants permitted their classification as superior, normal, retarded, or defective mentally. The diagnosis of the mentally defective of course, differed radically from that of a normal or superior individual.

Such examinations, in the event that the defendant was on bail, were conducted at the mental clinics of the city. Dr. Perry C. Lichtenstein of the City Prison was consulted regarding defendants awaiting sentence in the Tombs. Records of clinics to whom the defendant or his family had previously been known were examined.

The value of psychiatric examinations is pointed out by Glueck who says:

> The seriousness of the criminal problem lies in the large amount of recidivism, with the utter inadequacy of traditional disciplinary methods for bringing about desired changes in behavior in so large a proportion of our reformatory and prison population. Experience seems to

> indicate . . . . that this lack may in a large measure be met by the application of the psychiatric technique to the development of scientific criminology.[30]

The psychiatric and psychological reports of examinations of the clients of the Bureau supplied the following information:

1. A definition from the psychiatric standpoint of the type of problem presented in each case.
2. A scientific analysis of the various causative factors operative in the given case.
3. An outline of the most promising plan of treatment for meeting at the same time the need of social security and the individual delinquent's adjustment.

The psychologist's character analyses and measurement of the intelligence of the delinquent were of real value as a basis for intelligent disposition of his case. The mental age alone of the delinquent is not an adequate index to his power of achievement, for this is influenced by his industry, ambition, and educability.

The classification of offenders was according to Terman's scale of rating which is appended herewith:

| *Classification* | *Intelligence Quotient* |
|---|---|
| Superior Intelligence | Over 110 |
| Normal | 90-110 |
| Dull Normal | 80- 90 |
| Borderline Deficiency | 70- 80 |
| High to Low Grade Moron | 50- 70 |
| High to Low Grade Imbecile | 25- 50 |
| Idiot | Below 25 |

The report of the earlier progress at school of the delinquent did not in many cases give a fair basis for recognizing normal capacity or retardation. The following table illustrates the average age and grade attained in the public schools by children in the community:

[30] Bernard Glueck: *Psychiatric Aims in the Field of Criminology.*

| *Age* | *Grade* |
|---|---|
| 14-15 | 8 |
| 13-14 | 7 |
| 12-13 | 6 |
| 11-12 | 5 |
| 10-11 | 4 |
| 9-10 | 3 |
| 8- 9 | 2 |
| 7- 8 | 1 |

Any marked deviation from normal progress was a matter of inquiry by the psychologist and the probation officer. For instance, retardation of more than three years may well give rise to a suspicion of mental defect. However, a school record alone was not to be regarded as conclusive because of the policy which prevails in some schools of advancing the well-behaved, over-grown, and stupid pupil, and of retaining in class for successive years the trouble-making and boisterous, but mentally alert pupil.

The majority of the defendants graded from average to borderline mentality, but in several instances individuals of superior mentality were found. Twenty-five per cent. of the defendants investigated were found to be mentally defective. A majority of these were rated as high-grade morons, and a relatively small number bordered on imbecility. Of the mental defectives, one-eighth were found to be non-committable types who might, under adequate supervision, maintain themselves satisfactorily in the community, and they were placed on probation. Mental defectives constituted 15% of the number of probationers under the supervision of the Bureau.

Mental deficiency alone was seldom the cause of crime in the cases investigated by the Bureau. In combination with the lack of adequate parental supervision, unsuitable employment and evil associates, it apparently figured in only a relatively small percentage of all cases.

The offenses of burglary and sex crimes were among those most frequently committed by mental defectives. In forgery and offenses requiring a high degree of intelligence, the men-

tal defectives, who were found as participants, apparently served merely as dupes of keener criminals.

The mentally defective require specialized individualized treatment perhaps more urgently than their normal fellows, and in many instances probation offered the only satisfactory rehabilitative measure for them. Those, however, whose habits were permanently fixed and whose anti-social attitude was deeply rooted, needed institutional care and correctional training to equip them for communal life. Individuals of this type were usually committed to the State Institution for Defective Delinquents, at Napanoch, New York.

The Bureau received help from Stanley P. Davies, Executive Secretary of the New York State Commission on Mental Hygiene, in surveying the clinical resources of the city. Mr. Davies wrote to the Chief Probation Officer of the Bureau on December 21, 1925:

> The fact that you have made such a large number of mental and physical examinations of persons awaiting sentence or on probation under your supervision, is very concrete evidence of the scientific manner in which you are handling your problems.

*Emotions, Sentiments, and Beliefs*

It was generally more difficult to determine the defendant's emotional stability and tendencies than to ascertain his intelligence. Intelligence is relatively constant, but emotions are changeable, hard to discern, and still harder to measure. However, the reports from the psychiatric clinics furnished valuable data. In the majority of cases, normalcy was indicated and it was comparatively rare to discover defendants suffering from pathological conditions. The functioning of such instincts as sex, combativeness, acquisitiveness, self-assertiveness, fear, wandering, and the gregarious impulse was noted.

The defendant's attitude and reactions toward the various personalities and situations in his life were also observed, as

well as his affection or hatred for various relatives, friends, employers, teachers, or other persons with whom he was in daily or occasional contact. Sometimes these antagonisms were directed toward different forms of work, against the school, Church, laws, or constituted authority. The diagnosis indicated also whether the defendant was of the introvert or the extrovert type, whether he was excessively suggestible or stolidly phlegmatic, whether his reaction to situations was complicated by inferiority or superiority complexes, and whether his beliefs were conservative or radical.

Offenders who evidenced mental aberration were committed to Bellevue Hospital for observation or were examined by a commission in lunacy. In the few cases where major psychoses were found—aggregating less than 1 % of the cases investigated—the individuals were committed to the State Hospital for the Criminal Insane at Matteawan. However, a greater number of minor aberrations such as hysteria, derangements from bad sex habits, and psychoses and deteriorations from the excessive use of alcohol and drugs were encountered. The psychopath was found among those of normal mentality as well as among those who were mentally deficient.

The problem in general, however, was that of the mentally normal but badly trained youth out of adjustment with his environment or influenced by vicious associates. From an analysis of the offender's emotional status, sentiments, and beliefs, an understanding of the etiology of the maladjustment was developed.

To know why the normal delinquent commits a crime is to know his conception of right and wrong. Normal persons and many who are not normal have certain beliefs and sentiments which govern their actions or which they submerge in selfish obsessions. By arriving at a tangible knowledge of the offender's emotions, sentiments, and beliefs, the officer was able to gain some understanding of his character composition.

Extremely significant was the attitude of the offender towards the offense and his anti-social conduct. It revealed

whether or not he was a confirmed and hardened offender, or whether he was really a malleable personality who could be directed and readjusted to a course of normal, law-abiding conduct. A sullen, defiant, suspicious, and resentful attitude on the part of the offender certainly did not offer the same promise of regeneration as a penitent, open-minded, and co-operative outlook.

*Character and Conduct*

Dr. Downey states, "Character may be thought of as the organization of native and acquired traits effected through inner subjective factors and outer objective ones."[31] Since delinquency is often the expression of faulty character, the analysis of character and conduct in terms of social interaction was carried on carefully. The character study included the consideration of mental characteristics, temperament, attitude toward constituted authority, sociality, special aptitudes and interests, unique and pathological traits, temperance, sense of responsibility, honesty, self-control, combativeness and inclinations.

The behavior and conduct of the offender in relation to home, school, work, play, Church, companions, and the community also furnished an insight into his character and personality. Care was exercised to distinguish the thought processes, motives, tendencies, instincts, and impulses of the offender so as to understand his conduct.

Basic drives and urges, the intellect, the will, and other subjective factors of conduct were examined in order to evaluate the character, personal behavior, group participations, social type, and philosophy of life of the offender.[32]

The probation officer endeavored to keep in mind that correction and punishment were to be meted out for the offender and not for the offense. More than one hundred twenty-five years ago, this proper concept of delinquency was held by

[31] June E. Downey: *Will-Temperament and Its Testing.*
[32] E. W. Burgess: *The American Journal of Sociology,* May, 1923.

Franz Joseph Gall, who wrote, "The measure of culpability and the measure of punishment cannot be determined by the illegal act but only by a study of the individual committing the act."

*Manner and Appearance*

One of the sources most accessible to the probation officer in diagnosing personality was that of the manner and appearance of the offender. Carriage, gait, expression of face, gestures, position while standing or sitting, as well as his personal cleanliness and neatness of dress were observed. Whether he was affected or sincere, aggressive or humble, boastful or modest, enthusiastic or apathetic, forceful or weak, and whether he was dignified, self-conscious, sullen, timid, irritable, or ingratiating provided helpful indices to the offender's personality.

## Summary of Diagnosis

*Etiology of the Maladjustment*

Delinquency is rarely an isolated act; it is genetic. It is a resultant of a series of causative factors which have been slowly and steadily developing to the point of an overt act. In the consideration, therefore, of this resultant, one must return to the point of ultimate origin and search for the "causa causae."

*Subjectively,* in the defendant's beliefs, his habits of thought, his moral concepts, his strength or weakness of will, his social tendencies, mental conflicts or interests, his mental defects, emotional reactions, stability or derangement, the presence of syphilitic, alcoholic, or psychopathic deteriorations, and *objectively,* in the broken home, incompetent or indifferent parents, careless institutional rearing, harmful neighborhood influence, unwholesome recreation, long periods of idleness, absence of proper religious training, poverty, evil associates, and defective education and discipline—in short,

in all the factors which may have entered into the development of the delinquents, in these were sought causation. The power of election, the operation of the free will with its attendant gradations of responsibility, was a subject of importance. No superficial explanation of "impulse" uninterpreted was allowed.

A study of causation as a guide to understanding was the purpose of every investigation, and was absolutely vital as a basis for constructive treatment of the offender, whether institutional or in the community under supervision.

*The Report to the Court*

The social diagnosis endeavored to provide the Court with a complete picture of the *offender* and the *offense*. Its aim was to furnish a sound basis for the disposition of the problem and to indicate the treatment required, whether the defendant was to be placed on probation or committed to a penal, reformative, or custodial institution. The ratio of cases placed on probation in relation to those committed to institutions was approximately as one to four.

The report to the Court, which was accurately and concisely written, was a summary of the pertinent facts of the investigation. Uniform and orderly in presentation, it was neatly typed in triplicate and averaged about three pages in length. The report was submitted to the Judge in chambers twenty-four hours in advance of the day of sentence, and the decisions of the Court were largely based upon its findings. A carbon copy was sent to the institution to which the defendant was committed.

The correctional education of offenders, which aims to supply deficiencies of early training or environment and to equip the individual to live normally in the community, was, as a result of this cooperation, more readily adapted to the needs of the individual.

Institutions to which the defendants were subsequently

transferred and the parole authorities also had available the same social and criminal history as a basis for their constructive work.

## Some Results and Findings

### *Selectivity of Material*

The direct result of the comprehensive investigation employed by the Bureau was the selection for probationary treatment of only the most suitable human material. No looseness or sentimentalism was tolerated, and no one was placed on probation merely to be given another chance. Health, intelligence, mental balance, industrial capacity, temperament, habits, social attitude, and group relationships were all considered in determining whether or not the delinquent could be adjusted by the probationary process. The confirmed alcoholic, the drug addict, and the habitual criminal were not considered suitable for probationary treatment. The mental defective in whom anti-social habits of thought had not become fixed was not excluded from consideration as a subject for rehabilitative measures in the community.

Of the 3,053 offenders investigated by the Bureau during twenty-three months, only eighteen per cent. were placed on probation.

### *Statistics and Delinquency*

In the assembling of statistical data in regard to the preliminary investigations made by the Bureau, the details were transferred from the preliminary investigation field sheets to coded statistical cards. From these cards were compiled the final statistical tables. Much of the data assembled did not lend itself to the formulation of any general principles or conclusions which would throw light on the causative factors of delinquency or on the characteristics or environmental conditions of the delinquent. Conditions were so different and

the degree of the causative factors varied so greatly that it was practically impossible to collate these into any intelligible summary.

Moreover, a large percentage of the details and data would have no significance unless a similar study were made of a group of non-delinquents of about the same economic and social status. The few studies which have been made contrasting similar delinquent and non-delinquent groups have definitely disproven theories formerly held by criminologists who have confined their studies exclusively to offenders without any regard to the non-offender of a similar station. The present statistical inquiry cannot pretend to compare data of offenders with those of non-delinquents. The best that we can hope to do is to present an analysis of only a small part of the data assembled.

*Offenses and Ages of Delinquents*

From January 1st, 1925, to November 1st, 1926, the Bureau conducted 3,053 social investigations. Of this number, 2,957 or 97 per cent. were male offenders, and 96 or 3 per cent. were female offenders.

Crimes of acquisitiveness and violation of property rights predominated, for they included 78.3 per cent. of all the cases. Offenses of pugnacity totalled 15.2 per cent., crimes against sex amounted to 5.4 per cent., and the offenses against public order comprised the remaining 1.1 per cent.

One of the most significant facts revealed in the statistical analysis was that 44.1 per cent. of these charged with felonies were between the ages of 16 and 21. Defendants between 22 and 25 years of age aggregated 19.2 per cent., so that the total number of delinquents under 25 constituted 63.3 per cent. Defendants from 26 to 30 years of age totalled 17 per cent. while those over 30 years made up the remaining 19.7 per cent.

Thus it was clear that the problem of crime was almost

wholly a problem of youth. No other conditions could more conclusively justify the existence of the probation service.

*Recidivism.*

Of the men offenders 52.8 per cent. were arraigned for the first time in any adult court. Of this number, 8.3 per cent. had been previously arraigned in the Children's Court, whereas 44.5 per cent. had never been arrested previously, nor arraigned in juvenile or other courts.

Seventy-five per cent. of the women offenders were arraigned for the first time in any adult court. None of the women offenders had a juvenile court record.

Of the men offenders 17.7 per cent. were arraigned in an adult court for the second time, 9.8 per cent. were third offenders, and 19.8 per cent. had been arraigned three or more times previously. Of the women offenders, 8.3 per cent. were second offenders, and 16.7 per cent. had been arraigned two or more times previously.

Thus, the problem of the Court was two-fold—in about equal percentage were arraigned first offenders and recidivists (men).

*Broken Homes*

Because of the absence of either or both parents, 1,440 or 47.1 per cent. of the total number of defendants investigated were products of broken homes. One hundred and twenty or 8 per cent. of this number had been cared for in orphanages or similar institutions during varying periods of time. The remainder, 1,320, comprising 92 per cent. of this number, had been cared for by the remaining parent (usually the mother), or other relatives.

The removal of the missing parent, generally the father, was due to death, separation or divorce, desertion, or hospital or institutional confinement (occasionally imprisonment), and it was upon the mother, therefore, that the care of the children devolved in nearly all instances. Forced to assume the role of bread-winner, her duties as home-maker were necessarily

neglected and her absence from the home made it impossible for her to train her children and direct their activities. Even during the evening hours most of her time had to be devoted to the physical details of housekeeping, and little time or energy was available for home-making in its larger sense.

Because such a large proportion of offenders proved to be products of broken homes it is reasonable to conclude that this condition constituted an important contributing factor in their delinquent careers.

*Schooling of Delinquents*

From the information obtained in regard to school attendance, it did not appear that the lack of schooling could be said to be a very large factor in delinquency, for 2,073 or 67.9 per cent. of the delinquents had attended school for more than five years; 519 or 17 per cent. from two to five years, and only 461 or 15.1 per cent. had had two years or less of schooling.

Quite a large proportion, 268 or 8.8 per cent., had attended high school, and 34, or 1.1 per cent., had attended college. The greatest lack was that of vocational training for those who were unable to respond to further academic education or whose school careers were interrupted for other reasons, leaving them ill-equipped for the struggle of life. The untrained, ill-directed youth was an important element in the grist of the Court of General Sessions.

The school records further showed that 1,524 or 50 per cent. displayed normal characteristics in their school work, whereas 671 or 22 per cent. were truants, and 858 or 28 per cent. were backward in their work. The fact that 50 per cent. or one-half of the delinquents were either truant or backward in their school work betrayed the presence of early conflicts and maladjustments, irrespective of whether the fault lay with the school or with the child. Such conflicts constituted early symptoms, warning signals of future trouble, which had been overlooked or misinterpreted, or because of in-

adequate insight or lack of facilities had failed to receive proper adjustment.

*Religious Observances*

That church attendances and religious observances were generally slighted by the offenders is proved by the fact that 2,082 or 68.2 per cent. of the total were either irregular in their observances or had no contact whatever with religious organizations. The remaining 971 or 31.8 per cent. were regular in their church attendance.

*Employment Record of Delinquents*

Of the 3,053 cases, 1,524 or 49.8 per cent. were found to be employed; 28 per cent. were skilled workmen, and 72 per cent. of the total were unskilled. The balance, 1,529 or 50.2 per cent., was classified as unemployed at the time of the investigation. The relatively large proportion of unemployed and unskilled workers indicated that unemployment and low grade employment in a large number of cases exercised a contributory influence in the outbreak of delinquency.

*Marital Status*

Because of the presence of such a large proportion of young offenders, naturally the percentage of delinquents who were single was very large, comprising 2,118 or 69.4 per cent. of the total. Of the 935 or 30.6 per cent. who were married, 375 or 40 per cent. had no children; 289 or 31 per cent. had one child; and the remainder, 271 or 29 per cent. had two or more children, eleven being the largest number recorded for any one family.

*Crime, a Problem of Youth*

An examination of the social factors present in the lives of the delinquents indicates that these anti-social outbreaks represent essentially the conflicts and misdirected energies of youth. Neglected and improperly trained at home, malad-

justed at school, lacking in religious instruction, unskilled vocationally and ignorant of the industrial possibilities of the city, bewildered by the conflicting activities and temptations of a huge metropolis, and lured by visions of speedy and easy affluence, the offenders had applied their youthful energies to daring and unlawful activities.

# CHAPTER VI

# A STUDY IN DIAGNOSIS

Nice discriminations are troublesome. It is so much easier to say that a thing is black than to discriminate the particular shade of brown, blue or green to which it really belongs. It is so much easier to make up your mind that your neighbor is good-for-nothing than to enter into all the circumstances that would oblige you to modify that opinion.[33]

[33] George Eliot: *The Family.* Vol. VI. No. 6. October, 1925.

## CHAPTER VI

## A STUDY IN DIAGNOSIS

*Introductory Statement*

Albert M.,* 16 years and 10 months old, came to the attention of the Bureau when his case was referred for preliminary investigation, following his plea of guilty to Manslaughter in the First Degree. His companion in the crime, aged 15, who pleaded guilty to the same offense, was then turned over to the jurisdiction of the Children's Court and was committed to a reformative institution.

The report to the Court was of necessity a synopsis of the data given here and was cast in the form described in a previous chapter. As an example of social waste and neglect, the case is outstanding.

This problem will be presented in accordance with the following plan:

*Part I*

*Legal History*

*Part II*

*Social History: A Study of the Background*

Father; Father's Family; Mother; Mother's Family; Siblings; Developmental History; Family and Neighborhood Conditions; School History; Religious Training; Employment History; Delinquencies; Recreation, Habits, and Associates.

*Study of the Individual:* Mental and Physical Examination.

* Statements concerning localities, names, dates, nationalities, and facts of family history as given, in the usual professional fashion, are reported with disguises.

Physical; Mental; Emotions, Sentiments, and Beliefs; Personality Traits.

*Part III*

*Summary of Diagnosis*

Problem; Physical; Mental Abilities; Balance; Personality; Background: Heredity; Developmental; Home Conditions; Habits; Elements of Causation; Prognosis; Final Comment.

## Part I

### Legal History

One winter evening, Albert, who had at the time been away from home for three months and was leading a vagrant existence, met Edward, his inseparable companion. Edward, though a year younger than Albert, was possessed of a more evident maturity, a more strongly developed sense of independence, and a greater will-power than was his friend.

A few days prior to their meeting, Edward, in the perpetration of a burglary, had procured a .38 calibre revolver fully loaded. With this weapon the two boys and another youth had committed a robbery in which they had stolen the sum of $23. Encouraged by that success, Albert and his companion decided to enact a second robbery on the evening of the meeting.

Making their way to a grocery store in the neighborhood, they ordered the proprietor to "stick them up," Albert, meanwhile, brandishing the pistol menacingly. The proprietor, however, failed to obey their commands, and picking up a knife, rushed impetuously at Albert, who, panic-stricken, convulsively gripped the trigger of the revolver. The single shot killed the shopkeeper, whose body was later found crumpled up against an icebox.

The proprietor of the store had derived from it a meagre livelihood for his wife and four children, who were ill situated

for his sudden end. One of his children had been a schoolmate of Albert and Edward.

Within the next ten days a search instituted by the authorities was successful and Albert and Edward were placed under arrest.

## Part II

## Social History

### *A Study of the Background*

*Father*

Aged 39 and native to New York City. Medium sized, well built, of a dull, determined disposition. Attended public schools where he acquired a rudimentary education but did not complete the full eight grades. He was an unreliable character whose history is one of frequent intoxication, sexual promiscuity, failure to support his family, with periodic and prolonged shunning of employment. By occupation a longshoreman, he never earned more than $20.00 a week, due to his unwillingness to work steadily. He was abusive to his wife and children and was possessed of an unreasoning obstinacy which frequently resulted in his failure to cooperate with social organizations and in his prohibiting his children from accepting clinical attention and other assistance which their poor health and semi-destitute circumstances necessitated. He read newspapers regularly, but had few interests, and spent most of his time in saloons or in the company of hard-drinking associates.

He suffered from syphilis, 4 plus Wasserman, and was apparently very anxious to undergo treatment following his wife's death from the same disease, but later adopted an uncooperative attitude and refused to attend clinics where treatments might be had.

Following the death of his wife, he was apparently stricken with remorse and for a period of a year abstained from intoxicants, worked as steadily as the seasonal nature of his

occupation would permit, and was attentive to his family. Later, however, he resumed his old ways and became once more a drunkard, indifferent to the needs of his family.

*Father's Family*

The father's parents emigrated to New York City in their early twenties. His father, a marble-setter, and a somewhat immoderate drinker, died in middle age and the mother died several years later. Causes are unknown. There were six siblings, three boys and three girls, of whom two are now dead. Two of the father's brothers and one sister are married and maintain their own homes. A brother, a longshoreman, with his wife and two grown daughters, abides in a neatly kept and comfortably furnished apartment. Another brother is a chauffeur whose wife performs janitorial services in exchange for the ramshackle tenement quarters occupied by them and their two sons of school age. Of the married sister no information is available.

Throughout the family there are to be observed no untoward constitutional factors other than limited intelligence and tendencies to alcoholism. There is no history of hereditary taints.

*Mother*

Died at 34 years of age. Born in this country. She was the youngest of three children and was eleven months old at the time her mother died. She was reared by an aunt and later by a stepmother, with whom she did not get along, and on account of whom she regarded herself as an orphan. At the age of three she fell downstairs, receiving an injury to her neck and spine which required a plaster cast for five years thereafter. She reached the fifth grade in school and learned to read and write. At the age of sixteen, she married against the advice of her relatives, who regarded the father, then eighteen, as an habitual drinker and undesirable. She was an intelligent woman of good habits, who under ordinary cir-

cumstances would have taken excellent care of her home, but was very unhappy in the course of her married life and found it necessary to be employed outside of the home in order to support her children. Her chronic illness was also an important element in the neglect of the children.

For eleven years prior to her death, occurring when Albert was 14 years old, unknown to herself, she had been suffering from syphilis, with which she was undoubtedly infected by the father. Her illness was characterized by sharp pains in the legs and thighs, impaired vision, headache, dizziness, and noises in the ears. Later she developed attacks of regurgitation, double vision, and deafness. Examination revealed paralysis of the left side and other evidences of pronounced organic disease. The Wasserman Test was positive, 4 plus. Lumbar puncture revealed 30 cells in the spinal fluid. The diagnosis was neurosyphilis, probably of long duration, with poor prognosis. She entered a hospital for a few weeks treatment and died a week after her discharge therefrom.

*Mother's Family*

The mother's parents were immigrants. They had lived in comfortable circumstances in New York City and set up their home here shortly after their marriage. The father was a horseshoer, and the mother, prior to her marriage, had been a dressmaker. The family owned their own home in the city and were well provided with the necessities and minor luxuries of life. The mother died at the age of 29 of tuberculosis, while the father, a heavy drinker, died at the age of 52. Of the three siblings, all girls, one died at the age of 20 of tuberculosis. Another daughter, afflicted for some years with heart trouble and weak lungs, died at the age of 21.

*Siblings*

1. Ethel, 21. Measles. Pneumonia at age of 3. Entered school at age of 8 and reached 8th grade. Mentally retarded and extremely nervous and excitable.

2. Ellen. Died at eleven months of marasmus.
3. *Albert.*
4. Philip, 15. Measles and whooping cough. Otherwise normal.
5. Miscarriage. Induced at five months.
6. Alice, 12. Whooping cough and measles. Apparently normal.
7. Joseph, 11. Well throughout childhood. Strabismus.
8. Miscarriage. Spontaneous at six months.

Wasserman tests on all the siblings were negative.

*Developmental History*

Pregnancy and birth normal. Breastfed. Dentition at 7 months. Walked at 15 months and talked at 18 months. No convulsions, serious illnesses or accidents. Physical examination at school revealed he was anaemic and suffered from strabismus for which glasses were prescribed. He frequently broke the glasses, however, and his family eventually refused to expend money for their replacement.

*Family and Neighborhood Conditions*

From the outset of the marriage of Albert's parents there were present indications of the intemperance, indolence, and economic inadequacy which made the position of the family so insecure.

At the time of the birth of the first child the parents were living apart but were reunited shortly thereafter. Difficulties again developed, however, and in the course of the next seven years the father's intoxication and continual refusal to be employed had brought about such intolerable conditions that the mother contemplated breaking up the home and having the children committed to an institution. The mother's application to the Domestic Relations Court for adequate support for herself and children was productive of no results when the father ignored the summons issued for him. The

mother failed to return to press the complaint and the court assumed that there had been an amicable adjustment.

During the few years prior to the mother's death, the family was dispossessed on fourteen occasions for non-payment of rent. Neighbors frequently came to their assistance with money and food but discontinued aid when the father continued to loaf, drink, and to neglect his wife and children. Throughout the entire history of the family, until the death of Albert's mother, being dispossessed was a situation that was common and familiar to the family.

The father was abusive when intoxicated, there was constant quarreling when he was home, and the entire atmosphere was one of discord, futile tyranny, and family insolidarity. The mother, moreover, was compelled to seek work as an office cleaner and scrubwoman at a place some distance from her home and found it impossible, because of this circumstance and her continued ill health, to care properly for her children.

At no time was the family out of the shadow of economic insecurity. From the time Albert was seven years of age the family had been in contact with various social agencies of the city, from whom relief and medical care were procured, until the uncompromising and uncooperative attitude of the father eventually resulted in their abandonment of the case as hopeless.

When Albert was ten years of age, he, in company with his brothers and sisters, as a result of the father's intemperance and the absence of the mother from home due to employment, was brought before the Children's Court on a petition alleging improper guardianship, filed by the Society for the Prevention of Cruelty to Children. Albert at the time was placed on probation.

During the entire history of the family, the children were seriously neglected and were often left alone at home to take care of themselves as best they might while the mother was out working and the father in a state of intoxication lingered in nearby saloons or idled about the river front. The chil-

dren were frequently away from school, and in one instance a record kept by the principal of the school over a period of six months revealed that the children were absent for a greater number of sessions than they attended school. Their scholarship consequently was poor. On several occasions the under-nourished appearance of the children resulted in warnings by school authorities that they would refer the case to the Society for Prevention of Cruelty to Children, but action, strangely enough, was never taken in this direction.

The quarters occupied by the family at a monthly rental of $16.00 consisted of three small, dark, poorly ventilated rooms located in a dilapidated rear tenement. Each room was a bed room and was poorly lighted by oil lamps and gas. The house was without a bath, unsanitary, and cluttered with brokendown furniture and accumulated rubbish. The neighborhood was congested, unsavory, and characterized by poverty and squalor.

Following the death of the mother, when Albert was fourteen, the family lived on in the same quarters with the father, assisted by an aunt, acting as head of the household. After a year, however, the father again became derelict in his duties to the family and a general condition of disorder, poverty, and dependency prevailed. On Albert's arrest for the crime he had committed with Edward, the three younger children, aged 15, 12, and 11, were placed in an institution where they might receive proper care and guidance.

None of the other children of the family has become delinquent, and temporarily at least, they have withstood the hereditary weaknesses and the untoward environmental circumstances that have been theirs from birth. From a positive standpoint, however, in view of their antecedents, the prognosis is unfavorable.

Three months after the children's removal from the home, the father was known to be subsisting by occasional work on the docks and the bounty of friends. He was almost continuously intoxicated and abusive to the neighbors. His

alcoholic and syphilitic deterioration was progressive, and he still refused medical attention.

*School History*

Albert entered public school at the age of seven and a year later was transferred to parochial school, which he attended for four years. Here he created petty disturbances continually, and his unsatisfactory behavior resulted in his mother removing him from this school and re-entering him in public school. He appeared to be of average ability, but his achievement was far inferior to his capacity. At the age of fifteen he graduated. He was recalled chiefly by the school authorities as a "terribly neglected child" who was habitually dirty in his physical person.

Following his graduation from public school Albert was enrolled at continuation school where he was placed in a woodworking class. During a period of ten months he was absent on sixteen of the required days of attendance, and on twenty, was present. For the next two months, which were prior to the commission of the crime for which he was arraigned before the Court, he had not been in attendance at all. During the period of his attendance at continuation school, he was, as a result of his repeated absences, placed in a special class under a teacher whose duty it was to trace delinquent pupils and insure their attendance. Attempts to induce his attendance were rendered futile by the inability of the authorities to locate him, as his whereabouts was unknown to his family. It is interesting to note here that one of his teachers said "he was not a bad boy."

*Religious Training*

Albert received little religious instruction during his school years. At the age of eleven, he received the Sacraments of the Church. After his removal from the parish school and his mother's death, he fell away from his accustomed religious observances. He followed his indifferent, irreligious father's

example and rarely attended Church. In the years prior to entering upon an active career of crime, his contact with the Church was so slight that he was unknown to the clergy. He believed in the teachings of the Church, but, permitted by parental neglect to conform but indifferently from an early age, religion soon ceased to be a vital factor in his life or to influence his conduct.

*Employment History*

Albert, after graduation from school, procured a job as an office boy at a salary of $14.00 per week and was thus employed for three months until he was dismissed during a business depression. Then intervened a six month period of idleness, and eventually he obtained a job as delivery boy but worked at it for only eleven days when he was discharged for having absented himself for half a day without leave. His employers recall him as a vigorous and willing worker. At the time of his arrest he had been without a legitimate occupation for a period of four months and claimed to have subsisted on money made by selling newspapers and watching automobiles. It is highly probable, however, that petty thievery played not an unimportant part in his scheme of existence.

*Delinquencies*

At the age of 15, Albert came before the Children's Court as a result of the theft of coal from a barge. A hearing of the case against him resulted in his discharge. Six months later he again appeared before the same Court, following his arrest for the theft of a quantity of cheese. He was at this time placed on probation for a period of three years but failed to work and report regularly, and nine months later a Bench Warrant was issued against him by the Court. This, however, was never executed. After another period of six months, when he was 16 years of age, Albert came into contact with the Courts for the fourth time when he was arraigned in the

Magistrates Court on a charge of Disorderly Conduct. He had been found at 2 o'clock in the morning lying on the sidewalk stupefied from the effects of liquor. He was placed on probation for six months, but his refusal to work and failure to report resulted in the issuance of a Bench Warrant. This, however, due to his ability in eluding authorities, was never executed.

With the exceptions cited, Albert's ordinary conduct was fair, except that on about three occasions during his fifteenth year, he absented himself from home for a few days and at such times roamed his neighborhood in a purposeless manner, sleeping wherever circumstances afforded shelter from the elements. Food was had from whatever source it might be obtained with minimum effort.

It is interesting to note that Albert did not come to the attention of the authorities for delinquency until a year after the death of his mother, when conditions at home were perhaps at their worst. At the time of his arrest on the murder charge, he had been away from home for a period of three months.

*Recreation, Habits, and Associates*

Outside his home Albert was intimate only with Edward, the 15 year old youth who accompanied him on the night of the murder. He and Edward, who had been delinquent for at least four years prior to the crime and came from a family that bore a none too savory reputation, had been inseparable companions for many years. Albert's chief bond of affection at home seems to have been with his younger brother Philip, with whom he communicated even in those instances when he was away from home and out of touch with the rest of the family. To Philip, Albert was an ideal big brother.

Despite the fact that he was intimate only with Edward and Philip, Albert was accustomed to idle about a theatre in the vicinity of his home where his associates,—undesirable juveniles and young men of the neighborhood,—congregated. He had not had the benefit of any real constructive friendship

and had known from childhood only delinquents and semi-delinquents, whom he had found in the streets. A street gamin almost from infancy, he had been initiated into petty thievery by his associates and introduced by them to a code which permitted the unquestioned theft of another's property whenever it was available.

He had few well-developed interests and seemed to have found diversion chiefly in idling about street corners and pool-rooms. He occasionally played ball or attended a cheap theatre or a movie whenever funds were available for the latter purpose. His recreational ideation, however, was exceedingly limited and was almost primitive in its simplicity. Since the age of 13, he had occasionally drunk to excess and was a somewhat immoderate user of tobacco.

As a result of his retiring and shy disposition, Albert had few contacts with girls and denied ever having sexual relations.

## Study of the Individual

### *Mental and Physical Examination*

#### *Physical*

Albert was well developed and well nourished. Though small and rather pale, he was apparently in good health with no evidence of organic disease. The fundi were normal. The pupils responded promptly to light and accommodation. The ocular movements were normal. Deep and superficial reflexes were active and equal. The heart area was not enlarged; the sounds were clear and loud; no murmurs; pulse regular, full and normal rate. Lungs sounded clear, no rales. Percussion note rather hyperresonant, but within normal. Wasserman negative.

#### *Mental*

Chronological age 16 years, 10 months, 17 days, attained a mental age of 14 years, 10 months, with an Intelligence

Quotient of .93 on the Terman Test. He was classified as of average intelligence.

He cooperated extremely well. His whole attitude was one of depression and apathy. In spite of this, he gave excellent attention, and it was obvious that he was putting forth every effort to please.

On the test his basal age was X. In the XIIth years series he succeeded on all tests except the ball and field problem. Here his work showed planfulness but of a rather immature type. In the XIVth year he failed in giving difference between president and king and on the vocabulary test. The former failure was apparently based on lack of knowledge as well as immaturity. The difference which he gave showed that he had a superficial knowledge but was not sufficiently exact to be creditable. On the vocabulary test he succeeded on 49 out of the necessary 50 words. This, of course, was very close, but as strictness was used in marking, it did not seem quite right to credit him here. In the average adult group he succeeded on the interpretation of fables, the problems of fact, and the code test. He failed all of the superior adult group except the repetition of eight digits in given order. It may be noted that the boy gave the correct digits in every case in repeating the six digits reversed under the average adult group, but was unable to succeed in the order. This may have been due to the interference of the whole situation on his attentiveness.

As there was a possibility that Albert, on one of the instances in which he had been before the Children's Court, might have encountered the Terman Test, a Herring Test was given as a check, and on this he attained a slightly higher score than on the Terman Test, his mental age being rated at just 16 years, and his Intelligence Quotient as 1.00.

Albert displayed a fair grasp of school knowledge to the eighth grade and answered questions on subject matter promptly and correctly. The answers were clearly from memory, and he exhibited but little evidence of reasoning

from cause to effect. He had almost no understanding of what the questions and answers meant. He gave as one of the causes of the Revolutionary War "Taxation without representation is unjust" but had no knowledge of the meaning of the sentence. His knowledge of grammar and arithmetic was likewise parrot-fashion, answering the questions by recall rather than attempting to reason by association or comparison.

*Emotions, Sentiments, and Beliefs*

Undisciplined and suggestive of poor training, his emotional mechanism was decidedly undeveloped. He discussed his three previous and lesser offenses in a frank, matter-of-fact way with a defense for himself and the blame on someone else. He had arrived at a realization of their seriousness. He talked frankly about the murder with which he was charged, was grieved that it happened, and had no idea why he got into such difficulties. Any reference to his family in connection with his complicity in the murder produced profound sadness and grief but no tears. His Emotional Quotient, if it could have been estimated in figures, would probably have been far below the Intelligence Quotient.

Towards his family Albert's attitude, prior to his crime, was one of indifference when away from it and one of searching criticism and revolt when at home. Frequent disagreements with his father, the latter's abuse and drunken brutality and unreasonableness had produced in him an aversion to home life and to his father, whom he regarded as the central figure of it. His brothers and sisters, with the exception of Philip, with whom he was intimate, had through their association with it taken on for him some of the unpleasantness of the home, and he avoided them through lack of personal interest and through fear of their self-protecting tendencies to tale bearing. He had the disturbing clarity of vision that is frequently found in shy and reticent persons who observe

closely and critically the scene before them because their retiring dispositions do not readily permit of their joining in it.

In his sense of moral values was displayed particularly the fact that the religious education he had received had been unfortunately outweighed by daily contacts with an irreligious family and with irresponsible, inadequately supervised youths like himself whose ideas were gleaned from the associations of the streets. His notions of right and wrong arose from his observations that some actions brought punishment while others did not, rather than from any concept of the intrinsic moral merit of a given course of conduct. His attitude towards society in general is summed up in the fact that he never thought of society or his position relative to it.

*Personality Traits*

Albert was quiet and unassuming, and profoundly apathetic. His clothes were poor and bore the marks of much hard usage. His hands were dirty and he appeared to have surrendered himself to the personal neglect of dejection. To interrogators he was inclined to be politely monosyllabic, unwilling to volunteer statements, and prepared to lie with great facility. He was weak and dependent despite the fact that he had a fairly alert brain. He had few aims or ambitions and claims that he never thought of making anything of himself. In his family, his father was a longshoreman, and his uncles were truck drivers. He had never considered following either of these vocations and stated that he never thought of attending a trade school and had no idea of what he would like to do other than an "outside job". He was unable, however, to enumerate any outside jobs into which he thought he might fit. He was obviously suffering from a lack of constructive guidance and appeared perpetually on the defensive.

Albert's conduct throughout his life was in accord with his character as revealed by analysis. Browbeaten and neglected, he had become submissive but not cowed. Poverty and early

contact with the streets had taught him selfishness and the ever-existing need for self-preservation. At school he was docile but uninterested. When employed, he worked willingly but found in idleness attractions outweighing those of industry. Neglect and friction at home had equipped him with a protective reserve and an appreciation of the values of silence but had not taken from him his caustic thoughts and his dreams of winning recognition of one variety or another. His associates and the absence of religious or moral training had given him standards of conduct that had no true element of morality in their makeup.

## Part III

### Summary of Diagnosis

*Determination of Etiology of Maladjustment*

*Problem*

Parental neglect, early delinquencies, absences from school and Church, petty thievery, intoxication, runing away from home, life of vagrancy, criminal associates, robberies—murder.

*Physical*

Small and pale, but well nourished. An anomalous combination of nervous energy and lethargy. Defective vision.

*Mental*

Abilities

General ability fair. No special trends; some success with concrete problems. Memory depended on to exclusion of reasoning powers.

Balance

Emotional Quotient far below Intelligence Quotient —Subnormal emotional mechanism. Poor organization of judgment and ideation.

Personality

Quiet, shy, polite, and extremely submissive. Weak, dependent, and habitually on the defensive. Suggestible and maladjusted, with no adequate concept of life and his possibilities in it. Inclined to be led rather than to lead.

*Background*

Heredity

Two maternal aunts died of tuberculosis at early ages, as did maternal grandmother. Maternal grandfather alcoholic; also father and paternal grandfather. Strong history of alcoholism and constitutional inadequacy throughout family.

*Developmental*

Normal other than strabismus and anaemia.

*Home Conditions*

Indescribable poverty and squalor. Parents later syphilitic. Entire home unsanitary and frequently dependent on charitable aid. Atmosphere of home one of discord, paternal abuse, meanness, and unhappiness. Supervision entirely lacking.

*Habits*

Occasional excessive use of intoxicants. Immoderate smoking.

*Elements of Causation*

1. Hereditary and constitutional weaknesses.
2. Disparity between mental and emotional levels and poor organization of judgment and ideation.
3. Mental and moral dullness from excessive use of tobacco and alcohol at early age.
4. Unsavory home conditions both in physical and spiritual aspects.
5. Inadequate discipline and little constructive guidance. Free life in the streets.
6. Lack of proper religious training and example.
7. Delinquent and criminal companions who taught a code that was asocial.
8. Poverty and sense of social inequality, produced by family status, which operated on his physical inadequacy and retiring personality to develop a strong inferiority complex.
9. Operation of the wishes for security, recognition, and new experience.

*Prognosis*

Albert on being arraigned before the Court for sentence was committed by the Judge to a reformatory where he will remain for four and one half years, until he reaches the age of twenty-one.

In this institution, Albert will encounter constructive discipline for the first time. It is to be hoped that by the eventual acquisition of respect for authority and privileges won through merit, he will come to learn the meaning and value of discipline and self-discipline and at the same time reap the benefits of vocational guidance and training. He has been assigned to work in the reformatory print shop. Upon his discharge he ought to have attained the skill of a first class compositor and to have had considerable experience in press work. Possessed of good intelligence and aptitude, his rapid

progress in trade instruction is anticipated. Again, through meeting the requirements and standards of the institution he should come to a belief in himself and be able to divest himself of the attitude of weakness and dependency that life has hitherto inculcated in him. Living conditions will be far superior to those he endured at home, and this in time should engender a desire for cleanliness that will become habitual. Physical exercise, regular habits of life, abstinence from tobacco and alcohol, and military drill will build him up physically and do much to reduce his sense of inferiority. His defect of vision will be corrected, with the result that he will lose the feeling of uncertainty and discomfort, physical and psychological, that arises from improper functioning of the eyes.

His contacts with the chaplain should result in a better understanding of his relations and duties to God and his fellowmen and in a resumption of religious practices which will strengthen his character.

Finally, it is hoped that he will be brought gradually along the scale of accomplishment until self-respect and the wishes for recognition and response become such an integral part of his being that he will almost unconsciously be satisfied with only the best product of his abilities. With belief in himself thoroughly aroused, and strengthened by religious and moral considerations, Albert will then be on the high road to a new life.

As Albert's life history indicates, he is not inherently vicious or bad. He has been unfortunate rather than incorrigible. A plan of treatment worked out by the authorities of the institution on the basis of physical and psychological analysis of his being should return him to the community a satisfactory citizen. The crucial point will be found in the efficiency of the parole authorities in preparing the environment in which he is to start life anew. Should this dangerous period be safely passed, the outlook for the future is hopeful.

*Final Comment*

In attempting the reformation of Albert M. there is presented to the reformative institution the problem of remedying all the errors and repairing all the damage of social neglect. Since all the forces of the community failed to so act as to prevent Albert's delinquency, the last desperate effort of readjustment is now to be made within prison walls. Had society been as actively interested in Albert prior to his crime as it has become subsequent to it, there would now probably be no necessity for its belated struggle to salvage the social wreckage it has caused. For the first time in Albert's life, a sustained effort is being made to understand and constructively adjust him.

# CHAPTER VII

# THE PROCESS OF ADJUSTMENT—SOCIAL

We are much too ready to accept sweeping causes and wholesale remedies. And the intricacy of human nature makes almost every panacea look a little foolish as soon as it is tried. The world must learn that it is practically impossible to deal with any problem in terms of "men" and "women." The job is harder than that. Society must train itself to the tremendously nice task of dealing with man and man and woman and woman.[34]

[34] Heywood Broun: *The Family*, Vol. VI, No. II. April, 1925.

## CHAPTER VII

## THE PROCESS OF ADJUSTMENT—SOCIAL

The supervision of probationers, as conceived by the Bureau, constituted a process of re-education and adjustment. The probationer, who had deliberately chosen to commit a delinquent act, the offender, whose hereditary and constitutional weaknesses had decreased his resistance to evil influences, and the delinquent, in whose life the faulty functioning of the great social forces of the family, the school, the Church, or the community had resulted in mental conflicts and the breakdown of normal conduct, required the socially revivifying stimulation of an active program of enlightened re-education. The aim of the Bureau was to adjust the individual within himself and to his social contacts and to eliminate or neutralize physical, mental, emotional, and social handicaps by constructive treatment.

In the supervision of the probationers, the Bureau, in accordance with the standards of case work maintained by efficient social agencies, was guided by two basic principles:

> *First:* That the process of adjustment or the supervisory treatment must be carefully individualized and fitted to meet the needs of each delinquent.
>
> *Second:* That the object of every phase of the process must be the permanent rehabilitation of the delinquent.

The Bureau accepted the responsibility for the permanent restoration of the probationer in the community as a normal citizen. Success or failure in the attainment of this objective was to be judged by the post-probation results.

It was sought to replace the old *laissez-faire* type of probation, "letting offenders off easy," "forbidding and ordering," loose and lifeless supervision, by intensive and constructive case work and a process of educational guidance through skilful supervision. The probation practice was developed into an intimate personal relationship between the probationer and his officer, wherein the latter tried to bring home to his charge the realization of the positive, adjusting force of probation. Helpful social agencies and institutions were called into play so as to surround the individual with a net work of favorable influences, which would assist him to attain and maintain normal habits of life.

Basically, the task of adjustment was to break down the social isolation of the probationer, to divert his anti-social tendencies into channels of orderly behavior, to direct a redistribution of energy and interest, to return him to the common path of normal men, and to bring about socialization within himself and the community.

The process of adjustment as developed and carried out by the Bureau included the following elements:

1. *FORMULATION OF A PLAN BY ADJUSTMENT*

   Insight into Personality and Environment, Summary of Problems Presented, Creative Interpretation of the Facts, Formulation of Plan.

2. *ACCEPTANCE OF PLAN BY PROBATIONER*

   Gaining Confidence and Respect, Arousing Admiration, Realization of Problems and Motives by Probationer, Removal of Anti-Social Attitude, New Visions and Goals, Transference of Objectives, Trial, and Error Permitted, Acceptance of Plan by Probationer.

3. *SOCIAL ADJUSTMENT*

   Development of Social Relationships, Family Adjustment, Neighborhood Improvement, Financial Independence, (Right Job, Budgeting, and Thrift) Constructive Recreation, Restoration of Social Status.

4. *PERSONALITY DEVELOPMENT*

Holding up Ideal of Self, Physical Rehabilitation, Discipline and Self Control, Character Building, Emotional Adjustment, Academic and Vocational Education, New Resources and Outlets, Regaining Self Respect, Social Consciousness, Appearance and Manner, Religious Development, Long Look Ahead.

5. *TENDENCIES AVOIDED*

Subtle Antagonisms, Too Close Supervision, Impatience with Relapses, Objective Case Work.

### 1. Formulation of Plan of Adjustment

*Insight by Supervision Officer*

The diagnosis of the environment and personality of the probationer did not cease with the completion of the preliminary investigation. It was a continuous process and was carried on during the entire probationary period. Every contact with the probationer or with persons who had relations with the probationer was looked upon as an opportunity for gaining further insight into his character and personality.

After the supervision officer had been assigned a new client, he proceeded to examine the records and papers in regard to the case which were available in the files of the Bureau. During the first contact with the probationer, the officer gave him a printed copy of the probationary requirements and the instructions of the Court, explained to him the purpose and conditions of probation, and at this time attempted to establish a preliminary basis of understanding and friendship. Thereafter, he consulted the officer who made the investigation, the Case Supervisor, and the physician, psychologist, and psychiatrist who had made the mental and physical examinations. Furthermore, in case the probationer and his family had had contacts with any social agencies, these too were consulted.

The officer also made a visit to the home or place of residence of the probationer, talked with his family and friends, and visited his place of employment, all with a view of obtaining from first hand knowledge, a definite conception of his client.

The process of analysis sometimes resulted in an attachment of the probationer to the probation officer. This regard was usually the transfer of earlier devotion to kindly advisors to one who now stood, especially in the case of those who were living apart from their families or who had alienated their affections, *in loco parentis.* For this very reason the personal influence of the new found friend though of late origin was often deeply powerful and far-reaching. The probation officer was at pains to insure that his client would not become too dependent upon him and personally endeavored to enlarge his resources and extend the facilities available to him. Thus, the possibility of a sudden break at the conclusion of the probation period was prevented, but the regard and dependency of the probationer upon the probation officer would be directed into channels of growth.

All of the efforts to obtain understanding and secure confidence were for the purpose of attaining a thorough knowledge of the various factors of the problems of the probationer, including both the liabilities and assets of his character and environment in order that an effective plan of treatment might be formulated.

*Formulation of Plan*

A careful summary of the problems presented and the factors of causation involved was made preliminary to the formulation of the plan of adjustment. In cooperation with the clinic, a definite program or plan of life for the delinquent, which aimed to secure proper social relationship with the home, the school, the Church, the neighborhood, the playground, and industrial and social service groups, was de-

veloped by the probation officer. In the development of the case plan, consideration was given not only to the weaknesses in the probationer's personality and the untoward circumstances in his environment, but to those sound and positive qualities and factors which might serve as sturdy pillars upon which to build the desired superstructure of normal conduct and character.

A formulation of a definite and constructive plan of treatment was a task which required not only penetrating insight, but most of all, creative imagination.

The supervision officer studied the life of the probationer in order to learn the nature of its development. It was then his duty to consider the individual not in the light of what he had been, but what he might be in the future. The limitations of the dull and backward in regard to the development of their sentiments were recognized. That abstract conceptions of duty, truth, and honor that they can never thoroughly grasp and, therefore, can never thoroughly understand, respect and reverence, present a hindrance to their gaining a zeal for generalized ideals of virtue. They can, however, absorb concrete personal codes of conduct and the probation officer endeavored to habituate them to conform to these codes.

A constructive outlook was imperative. The probation officer to be successful must always carry a belief in the potentialities of the human personality, and must have the faith and optimism of the builder. It was upon a sound basis of understanding and analysis that the plan of adjustment came into existence, the details of which were worked out by the probation officer and the probationer and reviewed by the Case Supervisor.

The plan of adjustment, although detailed, had to be flexible enough to meet the ever changing needs and the cumulative progress of the probationer. The officer was expected, therefore, to be on the alert to make any adaptations which might prove necessary, and all plans were checked up at least

monthly and modified, if necessary, in conference with the Case Supervisor, as part of the regular procedure.

### 2. Acceptance of Plan by Probationer

No plan of adjustment could be ultimately successful unless the probationer were convinced of its desirability and value and came to adopt it as his own. Sometimes the plan was initiated by the probationer and in other instances he was persuaded by the probation officer to accept whole-heartedly the latter's plan and make it part and parcel of his mental and emotional makeup. Sometimes probationers came to an immediate realization of the value of the plan of treatment presented by the officer and sincerely accepted it; again, the final acceptance was the result of a slow, gradual process.

#### *Gaining Confidence and Admiration*

The first task of the officer in this aspect of the treatment was that of gaining the confidence of the probationer. This required insight, the ability to appreciate the probationer's point of view, skill, a great capacity for friendship, and the consecration of personality to the application of scientific knowledge. It presupposed a personal interest in the probationer, and a sincere desire to help him, and demanded a deal of faith, tolerance, tact, and patience. This relationship, when once established and rightly directed, was often the turning point in the reconstruction process. Without it the case work would have been practically futile, or at least materially handicapped.

A feeling of genuine admiration ought to be aroused to insure the constructive imitation by the probationer of the character, habits, and manners of the officer. In his essay, "Heroes and Hero Worship," Carlyle eulogizes this quality,—"No nobler feeling than admiration for one higher than himself dwells in the breast of man," he states. The probation

officer, therefore, in order to accomplish the best results, must be, for a time at least, virtually a hero to his charge.

*Insight by the Probationer*

The next step was to assist the delinquent to gain insight into his own motives and problems of conduct. Few of the probationers were able to take an objective view of their own behavior. They could not see themselves as problems. They did not understand the causes or appreciate the seriousness of their actions. However, when they were enabled to understand the motives and the significance of their acts, they experienced a feeling of relief and evidenced an earnest desire to begin over again and an eager willingness to cooperate with the probation officer. It was only by realizing the basic causes of their dilemma that the probationers could attain that sense of penitence and desire to "turn about face" which would make improvement possible.

The first serious problem which each probationer had to face was to "know himself." Not until the probationer had gained a realization of his own situation could the spirit of true cooperation between him and the officer develop. Cooperation depended not only upon confidence in the officer, but upon the degree of insight which the probationer had with reference to his own problems and motives. The gains from insight are explained by what Freud terms the "therapeutic value of consciousness." Often the mere discovery by the delinquent himself of the true reasons for his misconduct proved sufficient to effect a cure. An understanding of himself was the first step toward self-control. The probationer who found in the probation officer an experienced sympathizer who sought to study and understand him and who listened to his story in a calm, non-shockable way, found in this helpful attitude a wonderful encouragement to self-control. The probationer, through his new insight, was enabled often to adjust himself to a plan of treatment and to enter into new social relationships. An added source of strength to the probationer

was the knowledge that the probation officer understood his problems and experiences, and yet did not condemn him.

*Removal of Anti-Social Attitude*

The probationer, as a violator of the social rules and regulations, had incurred the displeasure of the body politic and had been subjected to a certain amount of disgrace and ignominy. Usually, the probationer, for some time, had maintained an attitude of hostility toward the moral standards of society, and at the outset of probation, was smarting under a feeling of disgrace, isolation, and resentment toward the community. Consequently, it was the task of the officer to break down this feeling of isolation, to remove this resentment and anti-social attitude, and to re-establish a feeling of self-respect, a sense of personal worth, and the desire to merit and obtain the approbation of his associates and various social groups. Among his family and relatives, friends and associates, at his place of employment and at Church, the wholesome feeling of kinship, confidence, and friendliness had to be restored. At every point of social contact, the feeling of isolation and resentment needed to be removed.

The probation officer understood the responsibility of inculcating in the probationer the right attitude of mind toward himself, toward his conduct, and toward society. This meant the end of the feeling of conflict and of being at odds with the social system. When this had been accomplished, new energy, new enthusiasm had been set free, and the resultant feeling of security and peace gave the probationer renewed power and incentive to alter his conduct.

*New Visions and Goals*

The officer, in his contacts and conversations with the probationer, tried to unfold a new vision of life's possibilities, ideals and activities, and conceptions of enduring and constructive satisfactions, which the client was gradually persuaded to accept. One after the other, the officer sought to

bring about a transference of the objectives of the probationer's life, and to replace his lower ideals by higher and more constructive goals. The officer would be the wise philosopher, guide, and friend, who pointed out healthy mental interests, wholesome channels of expression, and who interpreted for his client the finer things of life in terms comprehensible and acceptable to him.

He was encouraged to direct his desires into constructive channels. Purely negative measures were not considered. The re-direction of the probationer's interests was supplemented by positive and developing methods of assistance. The ideal was the training of his emotions as well as of his intelligence, and the education of his instincts as well as of his wits.

*Trial and Error Permitted*

During the course of the supervision, the officer tried not to be impatient nor to demand perfect cooperation at each step of the way. Even during the period when the probationer was wrestling with the problem of understanding and accepting the plan of adjustment, a certain measure of trial and error in the less serious aspects of conduct was tolerated. An abrupt reform was not looked for except on rare occasions. A sudden conversion is seldom a permanent one. Moral advance must be a slow process and not a sudden jump; the power of past actions and the influence of earlier associations persist. It was to be expected that the probationer sometimes inclined to drifting, sometimes determined upon unwise plans, and was unable or refused to accept in its entirety the plan presented to him by the probation officer.

In such cases it was advisable for the officer to permit him to test out his own ideas while standing by, alert to render assistance at a critical juncture. If the probationer discovered that his own ideas achieved no desirable end, and in fact often resulted in serious trouble and disappointment, he invariably turned to the probation officer as a source of refuge and help,

and thereafter the officer was assured of cooperation of a cordial and permanent nature.

*Acceptance of Plan*

In some cases the external conduct and behavior of the probationer might appear to indicate his acceptance of the plan of adjustment, whereas internally he might be resisting it vigorously and constantly. As far as possible the interest, enthusiasm and emotional acquiescence of the probationer was obtained, so that he might consecrate his energies wholeheartedly to the plan of adjustment.

By degrees, through the probation officer's constructive effort, the probationer would come to recognize the worth of the program of development, to accept and incorporate it within himself as an integral and vital part of his life.

### 3. Social Adjustment

*Development of Social Relationships*

The ever-present problem confronting the supervision officer was that of reconstructing the old social relationships, if they possessed any elements of promise, and of introducing new activities. Thus, for example, the family situation was an important element of social relationship which often demanded attention and adjustment. Neighborhood conditions, the employment factor, religious observances, recreational facilities, as well as associates and other contacts also frequently required similar consideration. In case these various points of social contact did not offer promising possibilities, endeavor was made to effect changes of environment, thus bringing in new relationships, new groups, and individuals.

*Family Adjustment*

> As society is now organized, we can neither doctor people nor educate them, launch them into industry nor rescue them from long dependence, and do these things

> in a truly social way without taking their families into account. Even if our measure were the welfare of the individual solely, we should find that the good results of individual treatment crumble away, often, because the case worker has been ignorant of his client's family history.[35]

*Home Visits*

Home visits provided unique opportunities for the study of the family situation. The home of each probationer was visited at least twice a month, and in cases requiring additional supervision or service, the number of visits was increased in accordance with the needs of the individual case.

During the period covered by this experiment, almost fifty thousand home visits were made by the probation officers. Through the frequent contacts and the probation officers' manifestations of friendliness and constructive helpfulness, the families of the probationers would gradually come to accept them as real friends with whom they discussed their problems, under the assurance that remedies would be forthcoming wherever possible.

The first concrete problem of social adjustment facing the officer was that of harmonizing the family relationships. During the period of its supervisory work, the Bureau constantly endeavored to keep in mind that the family and not the individual must be the unit of treatment. Little social improvement could be expected of the delinquent unless his father, mother, brothers and sisters, and other relatives could be persuaded to forget their resentments and disappointments regarding the offender who had brought disgrace to their good name. Inharmonious relationships and undesirable conditions had to be removed as a first step in this process. The methods and services of the modern family welfare organizations in the adjustment of family relations was made an integral part of the case work of the Bureau.

The greater proportion of the probationers lived with their

[35] Mary E. Richmond: *Social Diagnosis*. Page 134.

families. Sixty-nine per cent. of them were single and thirty-one per cent. were married. Of those married, sixty per cent. had children, limited in most instances to one, two or three. That such a relatively small proportion were married was due to the fact that eighty per cent. of the probationers were under thirty years of age. About fifteen per cent. were separated from their parents or wives and lived in furnished rooms.

Although most of the probationers' families were self-supporting and enjoyed the good opinion of their neighbors, many of them were confronted with perplexing problems of all sorts. Whether they cooperated wholeheartedly from the beginning or only after a gradual process of establishing confidence, the families usually learned to turn to the supervision officer as advisor and friend.

Thus, for example, one of the most frequent problems was: How could the parents exercise effective supervision and control over the children? With the assistance of the officer, many such problems of discipline were successfully solved. Health problems, involving tuberculosis, undernourishment, or mental defect, which required diagnosis, treatment, or possibly institutional care of the afflicted members of the family, were frequently met with and attended to by the officer.

In adjusting important problems involving the mistress of the home, such as an excessive burden of work, necessity for managing on an insufficient income, the efficient and economic purchase of good food and clothing, proper diet and cleanliness, the assistance of home educators of cooperating social agencies was enlisted.

Family plans for home ownership, purchasing new furniture, establishing the father and son in business, and securing safe financial investments were worked out in collaboration with the probation officer. Each member of the family was also encouraged to contribute his quota to the maintenance and to the upbuilding of the household.

Job analysis and vocational guidance were not limited solely to the probationer, but included the whole family, especially

the younger members, who were aided in obtaining positions which afforded congenial employment, and possessed possibilities for advancement and adequate remuneration.

The brothers and sisters of school age were encouraged to complete their education in elementary or high school or, when employment seemed more advisable, to pursue courses in night and continuation schools. The parents, wherever necessary, were persuaded to attend Americanization schools.

Recreation outlets for the family were studied, and the resources of the community were ascertained. Such outlets included club and library membership, affiliation with neighborhood activities, and the attendance at lectures and public meetings. The main objective was that of developing and exercising the play spirit of the family as a group, rather than as separate individuals.

The establishment and the maintenance of a spirit of friendliness and harmony in the home involved the solution of a great number of problems of human relationship. To reduce the friction and resentment between the reputable family and the delinquent member, to solve the problem of the over-stern or over-indulgent parent, or to eliminate the nagging of brothers and sisters, the assistance of the psychiatrist and the psychologist was sometimes required.

Where it was not possible nor desirable to keep the family together, the question of child-placing or of finding a home for older members of the family sometimes arose. Where the breaking up of the family was of a temporary nature due to the illness of the mother and the presence of young children in the home, the counsel and the sympathetic oversight of the officers of the Bureau were valuable and often resulted in such arrangements for the care of the members of the household as were calculated to facilitate the family reunion as expeditiously as possible.

In this work of adjusting the family within itself and within the community, the various social agencies and community resources were utilized, particularly the Church, the school,

neighborhood forces, and the employer. To increase the sense of family solidarity, to regenerate and build up its spiritual life, and to strengthen and augment the wholesomeness of the influence of the home constituted the aims of the Bureau. That the family might not remain in a static condition of negative non-delinquency, constantly balancing itself precariously on the border line of disreputability and dependence, but that it might constructively direct its efforts towards social and economic stability, which would be maintained without assistance after the conclusion of the probationary period, was the objective kept in mind by the probation officer.

*Neighborhood Improvement*

When neighborhood and environmental conditions were degrading, unsanitary, or in any way undesirable, the officer endeavored to secure improvements through the aid of the community resources. The Board of Health, Department of Water, Gas, Electricity, the Police, Fire and Building Departments, civic associations and social agencies rendered good service in this connection. Landlords were persuaded to make necessary improvements, and clients were encouraged to do their share in establishing and maintaining better moral and hygienic conditions. When the neighborhood deficiencies did not lend themselves to improvement, the officer attempted to persuade the family to move to a better environment. Often the families of the probationers were induced to move from congested centres to more suitable sections. This very frequently proved of far-reaching and constructive advantage to the probationer, as a new and finer neighborhood usually meant a more desirable type of associates and friends in addition to improving the health, arousing the ambitions, and stimulating the self-respect of the family.

*Financial Independence*

The Bureau also concerned itself with securing the ultimate financial independence of the probationer. This involved

three basic processes; first, that of securing the proper type of employment; secondly, that of training the probationer to carefully budget his expenditures; and thirdly, that of encouraging and building up wise habits of thrift and economy.

*The Right Job*

One of the aims of the Bureau was that each probationer should be adjusted in stable employment and should build up a bank account. Consequently, one of the first tasks of the officer was that of securing for the probationer, whose difficulties usually began during a period of unemployment, a position well-suited to his training and capacity. Frequently, the preliminary task confronting the probation officer was that of breaking down the shiftless and irresponsible attitude of his charge, who often had deliberately selected part time or seasonal employment. Once the officer had modified this attitude, steps could be taken to secure his industrial and economic adjustment.

The unemployed reported daily at the Bureau. The character-building value of this reporting, as well as the opportunity it provided for placing applicants for work, should not be underestimated. Not the least of its value was its interference with the long morning sleep which to lazy probationers may have seemed the attractive part of being out of work.

The employment department of the Bureau was conducted by the Employment Counsellor, who was trained in vocational guidance and who made a survey of the employment conditions and opportunities of the city. He kept in touch with city, state, and private employment agencies, labor unions, and employers, and thus possessed a first hand knowledge which enabled him to direct the probationers and secure proper positions for those unemployed. In this placement work, the objective was to plan for the probationer an industrial career rather than merely to place him in a temporary job. Only those types of employment were sought which offered possi-

bilities for sustained interest and the future advancement of the probationer.

Through scientific job analysis and the determination of the experience, abilities, and preferences of the probationers, healthful and remunerative positions were found where good moral influences prevailed. Often desirable positions, with increased salary, better hours of employment, and more hygienic environment, were secured for those whose remuneration was small and whose prospects of advancement appeared slight.

This improved industrial adjustment brought about an increase of self-respect and the heightened regard of the friends and associates of the probationer. His attitude towards law and society, his personal habits and manner of living were appreciably modified to suit his new status. Thus, vocational guidance and industrial placement was an important factor in the upbuilding work of the Bureau.

*The Plan Pursued by the Employment Counsellor is Outlined herewith:*

I. A survey and analysis of each probationer was made to determine:
   - A. Industrial capacity
   - B. Aptitudes and abilities
   - C. Disabilities and handicaps
   - D. Mental deficiency and emotional instability
   - E. Need of training
   - F. Educability
   - G. Experience
   - H. Opportunities of present job
   - I. Character and outlook on life

II. The industrial improvement of the probationers was planned along the following lines:
   - A. Education
     - 1. Academic
       - a. Elementary

b. Preparatory
   1. English
   2. Language
   3. History
   4. Mathematics
   5. Science

c. College
   1. Classical
   2. Technical

2. Vocational
   a. Commercial
   b. Mechanical
3. Cultural
   a. Music
   b. Painting
   c. Literature
4. English classes for aliens
5. Physical culture
   a. Correct posture and other defects
   b. Develop team play and leadership by games
   c. Inaugurate exercises to increase strength, health, etc.

B. Placement in a position meeting the general requirements of:
1. Congeniality
2. Suitability
3. Legitimacy
4. Wholesome environment
5. Adequate remuneration
6. Full time
   a. Not subject to seasonal lay-offs
7. Opportunities for training
8. Advancement obtainable
   a. "Dead-ends" jobs must be avoided

Ç. Job Analysis:

1. Protected environment for the easily led
2. Simple, safe, supervised employment for mental defectives
3. Stabilizing occupation for the psychopath

4. Establishment in business for the competent
5. Positions of responsibility for the serious-minded
6. Strenuous mental or physical labor for the vigorous energetic type
7. Opportunities for expression for the talented individual

D. Survey of employment conditions:

1. Business activity or depression
2. Employment opportunities in the community
3. Remuneration obtainable in various positions
4. Types of workers required
5. Need for skilled labor
6. Working conditions in different occupations
7. Unions in the community
8. Location of jobs for handicapped or disabled

III. Cooperation with other agencies:

A. Develop interest and cooperation with employers, employment agencies, personnel managers, and unions.

1. By personal contact
2. By reports and circulars
3. By speaking at boards of trade and other meetings
4. By newspaper publicity

*Budgeting and Thrift*

"The establishment of the habit of thrift is another source of education and is most important for the welfare of the probationers and of the state."[36]

As soon as the probationer began to earn a stated salary, he was assisted to formulate a budget of income and expenses. Since the possession of money or property gives to the owner a feeling of increased responsibility, greater respect for the property rights of others, and a deeper realization of his oneness with his fellow-beings, the probationer was encouraged to cultivate the habit of thrift. Many probationers had never

[36] Edith Burleigh—*Proceedings National Conference of Social Work.* 1918 p. 152.

been able to save because they could not conceive how it might be possible for them, with their small earnings, to meet their living expenses and still have left a balance which might be stored up for the future. The budgeting of their resources and the adjustment of their expenditures on a conservative basis resulted in their learning for the first time how it was possible to save money.

The establishment of economically wise practices required in many instances almost a complete change in the attitude and habits of the delinquent. Lacking in ambition, employed in part-time jobs which had provided little more than the bare necessities of life, unconcerned as to the future, dissipating their meagre surplus funds in questionable pleasures, most of the probationers had considered the accumulation of savings impossible. Radical changes in social attitude, better employment, and a complete adjustment of the habits of recreation were absolutely essential before habits of thrift could be definitely inculcated.

In many instances, the habit of thrift was established through an appeal to the probationer's vanity and pride, the joy of achievement, and by pointing out to him the social and economic improvement which would result from the possession of money or property. There were few who could not be stimulated by the desire to possess things which seemed far above them and beyond their present means. Many were quite willing to commence saving when they were convinced that the comforts and conveniences of life which they had always desired might be obtained by systematic thrift habits.

Others, who had regarded lightly the importance of better economic adjustment and had acquiesced at first through a sense of obedience, soon came to take an active interest in their financial advancement and gained a much greater appreciation of the value and use of money.

The establishment of savings accounts, the taking out of insurance policies, and the investment in non-speculative securities were encouraged. Those who sought to engage in

business ventures of their own were aided in every possible way. Probationers were frequently assisted to secure new and better furniture for poorly equipped homes, and in several instances under the guidance of the Bureau, probationers found it possible to purchase their own homes.

In twenty-four months, sixty-five thousand dollars was paid through the Bureau in restitution and for family support. The sum collected bears testimony to the productive results of teaching thrift, care in expenditures, budget planning, and temperance in all things.

*Constructive Recreation*

"In the sense that leisure involves one-third of life and that third which makes humanity happy and efficient, the leisure-time problem is the most important problem of our civilization."[37] The misuse of leisure hours has always proven a dominating factor in delinquency and especially in the problem of youthful offenders. Consequently, particular attention was given to the recreational habits and preferences of the probationers.

During working hours, naturally, the possibilities of misconduct were negligible. It was when the day's work was done, however, and when free hours were available for diversion and relief that the danger of destructive and enervating amusements presented itself, and it was then that the real problem of constructively occupying the probationer's time and interest challenged the attention of the supervision officer.

Directing and superintending the delinquent's spare-time activities was a far harder task than that of placing him in a fitting occupation. Once more the best approach was that of discovering the probationer's own tastes and inclinations through consultation and repeated contact. Changes of recreation involved, first of all, a new outlook on life, changes of associates and friends, the making of new contacts, and the

[37] Frederick C. Howe: *Proceedings New York City Conference of Charities and Correction,* 1913—Page 15.

breaking up of cherished habits of conduct. In a city like New York there is available a range of wholesome forms of amusements sufficient to satisfy every taste, and yet in many instances the probationers were unaware of this fact, and even those who did know of it were not interested enough to utilize it.

An important aspect of each probation officer's survey of his district was the study of its leisure time facilities. An up-to-date inventory was compiled of the available recreational facilities and set down on a classified list. These directories insured the maximum use of existing facilities for recreation and recorded also the absence of adequate opportunities for play and amusement.

The probationer, bent upon indulging himself in vicious amusements, could be induced to relinquish them only after he had been convinced of their disadvantages and of the existence of more absorbing and constructive types of recreation. In most cases, discussion or argument produced but little result. It was generally possible, however, through the use of repeated suggestion and through arousing the curiosity and interest of the probationer, to induce him to experiment with new types of recreation. Experience with these new forms often engaged his permanent interest and assured his continued participation therein.

In each case the probation officer sought to discover some particular hobby that would fire the enthusiasm of the young delinquent. Usually this device was found successful, and the new found interest often proved a safe and sufficient substitute for previous disorderly habits.

Probationers preferring sports and outdoor recreation were encouraged to join athletic clubs and gymnasia, while others, who were interested in less strenuous activities, were induced to become members of settlements, clubs, and civic organizations located in their neighborhood. More serious individuals, often of the introvert type, who shunned contact with their neighbors, were interested in hobbies and attrac-

tions which provided them with wholesome diversions during their spare moments.

Recreational ideation and habits, however, were extremely difficult to change. It was soon found that the delinquent's concept of recreation was in many instances very limited and in some cases scarcely extended beyond the crude interests of alcohol, sex, and gambling. To materially change this situation, to broaden and elevate concepts of recreation, to eliminate the misdirected leisure time so frequently attendant upon delinquency, and to direct basal instincts and energies into channels of sublimation represented one of the most difficult problems of work with delinquents. In many cases, it was only after slow, painstaking effort that an improvement in leisure time pursuits could be effected.

A woman probationer who joined a gymnasium became interested in swimming and life-saving and, after taking a number of courses, qualified with a public agency as an instructor in aquatics and at the present time spends her vacation as a life guard in a summer camp for children.

Men of mature taste became interested in civic organizations, political clubs, etc. and were often induced to join such religious organizations as the St. Vincent de Paul Society, the Holy Name Society, and other Church societies.

Many young probationers, who at first proved rather unresponsive to the officer's suggestions, evinced an interest in sports, especially baseball, in which they had hitherto found it impossible to participate. The officer would induce them to join athletic clubs where they entered wholeheartedly into the activities and in this way gradually abandoned association with former friends who spent their leisure time in poolrooms and on the street corners.

The probationer was not compelled nor too strongly urged to engage in new recreational activities. Both for temporary success and for permanent results, it was essential that the individual actually desire to pursue the courses suggested.

The play instinct was always present as a basis for con-

structive work, and there were few probationers who could not be induced to avail themselves of better forms of recreation when they were accessible and attractive in nature.

*Restoration of Social Status*

At the various points of social contact the probation officer attempted to have the probationer fit in unobtrusively as a normal individual and social unit. In every relationship of life, the probation officer endeavored to have the probationer accepted naturally as an individual without any reference to his previous history or conduct. In order to facilitate the social relationships of the probationer and to prevent unnecessary friction, doubts, or resentments, the fact that the client was a probationer was not unnecessarily divulged.

It was in the probationer's own family that the problem of re-establishing a normal social status had first to be solved. Usually the family was resentful of the blight upon their reputation caused by the delinquent's act. Often the family was skeptical as to the possibilities of improvement on the part of their "black sheep" who, in some instances, had well merited this reputation. It sometimes required a considerable period of time and continued encouragement on the part of the probation officer for the probationer to convince his family of the sincerity of his intention to reform.

The same difficulty of convincing skeptical observers was present in the re-establishment of the probationer's normal social status in his neighborhood. In some instances, neighbors had suffered from the depredations of the delinquent and his unruly associates. Here, too, the only acceptable proof of his change of heart was consistent good conduct for an appreciable period of time.

It was at the new places of recreation which had been selected on the advice of the officer that there was available for the probationer the best opportunity to start with a clean slate. Here, usually, were new faces, new comrades, to whom his previous history was unknown, and who naturally accepted

him without skepticism or prejudice. Here evidences of good fellowship, good sportsmanship, and signs of special ability were quickly recognized and brought the response of his associates.

As the probationer made good in his new place of employment and proceeded to build up a savings account, his family, friends, and associates became more and more inclined to accept him on an equal footing. Step by step, after repeated and continued proofs of his improved attitude and social conformance, the probationer attained that social recognition which is accorded a sincere, well-behaved, and normal member of society.

# CHAPTER VIII

# THE PROCESS OF ADJUSTMENT—PERSONALITY

Whatever is to take the place of the current strategy and tactics in the war on crime must take account of all that has been learned touching the causal factors of criminality and the technique of developing or altering human personality. Recent advances in science have thrown upon human nature a light never before available. In any program of penal treatment this knowledge must be brought into play. Moreover, the influence of external forces upon conduct must not be overlooked.[38]

[38] John Lewis Gillin: *Criminology and Penology*. Page 851.

## CHAPTER VIII

## THE PROCESS OF ADJUSTMENT—PERSONALITY

No matter how well the probationer appeared to be adjusted to his environment or his social contacts, no permanent rehabilitation could be said to have been effected until a thoroughgoing modification had taken place in his mental and emotional life, beliefs, attitudes, habits, and conduct. Unless a regeneration of character had been accomplished at the cessation of the probationary treatment, the probationer would sooner or later become alien to his newer and finer adjustment and again take up his place in his old environment among his former associates and friends. No effort, therefore, was spared by the supervision officer to bring about a permanent change in character and personality.

In the process of the development of personality, the following plan of procedure represented essentially the case effort of the Bureau:

Holding up Ideal of Self
Physical Rehabilitation
Discipline and Self-Control
Character Building
Emotional Adjustment
Academic and Vocational Education
New Resources and Outlets
Regaining Self-Respect
Social Consciousness
Appearance and Manner
Religious Development
Long Look Ahead

### *Holding Up Ideal of Self*

One of the most efficacious features of the supervision work was that of translating the plan of adjustment into a vivid,

inspiring ideal of the intrinsic potentialities of the probationer's character and personality. The probation officer endeavored to gain an understanding of the probationer's capacities and limitations, and from this knowledge was able to fashion an ideal which was both appealing to the probationer and possible of realization. The cooperation of the probationer was actively enlisted in this interesting process of measuring up to the implications of this ideal.

The probationer learned to feel that this ideal was essentially nothing more nor less than a well-rounded combination of the capacities and abilities existing in his own nature, selected from the total number of qualities and talents, which were unorganized, conflicting, bewildering, and contained a considerable number of undesirable elements. Consequently, the whole process of reconstruction assumed an element of novelty and in addition did not strike the probationer as being something intangible, unrelated to himself, and impossible of realization.

Little by little, and step by step, the various forces and powers were modified, developed, and strengthened, and the undesirable material inhibited or culled out. As success followed success, the probationer became more and more convinced of the possibility of making real progress towards his ideal and thus became more and more determined to realize in a fuller manner the potentialities of his own nature.

*Physical Rehabilitation*

Every probationer was given a thorough physical examination. On the basis of the diagnosis and recommendations of the physician, the supervising officer was enabled to assist in the correction of the health problems of the probationer and to carry out the suggested program for physical reconstruction. The importance of health in the reformation of the character and conduct of the probationer should always be kept in mind. In many instances the removal of some physical handicap or ailment opened the way to improved conduct.

The physical examinations revealed varied defects and diseases, most of which were responsive to treatment given at a suitable clinic in the vicinity of the probationer's home. All probationers were subjected to tests to detect the presence of venereal disease, and it was discovered that seven per cent. were so afflicted. The follow-up on treatment prescribed in cases giving positive reactions was intensive and persistent. No probationer was discharged from probation who suffered from venereal infection or other serious disorder.

The necessity for building up vitality and resistance to disease was emphasized in the health work of the Bureau. Through the distribution among probationers of pamphlets published by the Federal and State Health Departments and by the use of lectures under the auspices of the Board of Education, they were educated in personal hygiene and in those methods of living which constitute active disease prevention. By these and other methods, the probationers were so improved in health and strength that they were better equipped physically to cope with the problems of life.

*Discipline and Self Control*

The main objective of the disciplinary aspects of probation was that of developing in the lives of the probationers self-control and self-discipline, so as to break down anti-social habits and conduct, and to strengthen their resistance against future temptations. From the time that the offender was entrusted to the supervision of the Bureau and instructed in the meaning of probation, until the review of his case by the Court at the time of discharge, this disciplinary process was going on.

That discipline is vital to a well-ordered life is recognized by Healy, who says:

> Discipline or punishment plays a part in every well ordered life of old or young. The discipline of work, of doing right, and many other necessities in adult life, as well as the discipline of education and right conduct

> in childhood, are very real. Punishments in various forms come to adults who fail to play the game of life well.[39]

In addition to the bi-monthly visits by the supervision officer to the home of the probationer, the prompt visit in case he failed to report, the monthly oversight of his employment conduct, the constant accounting to the officer regarding his health, recreation, associates, Church attendance, and school progress were calculated to engender in the probationer a sense of responsibility, regularity of habits and conduct, and a respect for authority.

Discipline was not permitted to become an end in itself but was always regarded as a means for the upbuilding of sturdy, independent character. Through firm guidance, the detection of infractions and the frank discussion of the probationer's problems, habits of self-discipline and self-control were gradually strengthened. Progress was not rapid, and often considerable patience and forbearance were required when inevitable minor lapses occurred.

The standard of weekly reports was maintained. Each supervision officer received probationers two evenings a week from 5 P. M. to 9 P. M. During periods of unemployment, daily reporting was required.

Notices of delinquency were mailed to any probationer on the same night he failed to report, if he had not accounted for his absence. On the following day the probationer's home was visited. His excuses were checked up by an interview with his family, employer, or physician, and he was required to report at the Bureau on the evening of the day his home was visited. Failure to report on two successive occasions without reasonable excuse placed the probationer in the class of a delinquent. Supervision with discipline prevented the development of habits detrimental to the probationer's progress. Frequently one hundred per cent. of the probationers

[39] William Healy: *The Treatment and Prevention of Delinquency.* Page 258.

reported at the required time, and the percentage rarely went below ninety.

Although the prospect of punishment resulting from any violation of the probationary conditions was always in the background, the motivating force of the supervision was the vision constantly held before the probationer of the rewards and advantages of self-discipline. When, however, the probationer proved recalcitrant and persisted in anti-social conduct, a bench warrant was requested for his arrest. He was then promptly arraigned before the Judge who had originally sentenced him and was either continued on probation after a severe reprimand, or was committed.

*Character Building*

Each probationer was studied in relation to his character weaknesses and strengths, and a carefully considered plan of treatment was put into effect. During the diagnosis, evidences of intemperance, sex irregularities, dishonesty, cruelty, indolence, deceitfulness, and many other undesirable traits, which had played a large part in the career of the delinquent, were discovered. The basic problem in the personality development of the probationer was the upbuilding of his character, for upon its integrity and force ultimately depended his failure or success.

In the process of character building, three elements were considered: the raw human material, ideals, and leadership.

1. *The Raw Human Material*

Thomas holds that the impulses, hungers, cravings, and drives constituting the raw material of which character is built may be grouped according to four fundamental human wishes: (1) the desire for new experience, including the gratification of the appetites, promptings of curiosity, love of adventure, etc.; (2) desire for recognition, meaning appreciation of the public; (3) desire for response, or affection, love

from other individuals; (4) desire for security, feeling of safety, success, rest, as over against the shocks and dangers of new experience.[40]

Character, therefore, was built up from raw material functioning in conformance with these four great groups of motivation by the three-fold process of inhibition, substitution, and alimentation (final absorption). The task of character-building consisted fundamentally of checking or recanalizing those behavior tendencies which were anti-social in nature and of stimulating and feeding those which were social.

For example, the desire for new experience may animate certain types of girl or boy bandits and certain types of sex-offenders no less than scientists, explorers, and inventors. Anti-social cravings for new experiences were to be diverted into safe and wholesome channels which consisted of athletics, vocational education, or new types of employment.

The wish for security, which may have expressed itself in robbery or thievery as a means of subsistence, was to find play in legitimate fields of employment, thrift and investments.

The desire for response, which may have manifested itself in evil companionships or sexual promiscuity, was met by better adjustments at home, wholesome companionships, and by courtship and marriage.

The wish for recognition, which may have displayed itself in acts of cruelty, bravado, or recklessness, found itself transformed into a desire for rewardable excellence in some form of sport, or in club or community achievement, or in sobriety and integrity of conduct.

The task of the probation officer was that of introducing strong inhibitory forces, of substituting more wholesome activities, and of insisting upon and holding the probationer to a constant course of constructive conduct, until new habits of behavior and conduct had been established.

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[40] William I. Thomas: *The Unadjusted Girl.* Page 4.

2. *Ideals*

Since ideals are of two kinds—those which are passively admitted and those which are accepted and acted upon—the probation officer was obliged not only to explain proper ethical concepts and social codes of behavior to the probationer, but to secure practical acceptance of those ideals. In this task the services of religion and the Church gave greater sanction to the codes of morality and more powerful motivation for their observance.

In all the relationships of home, work, play, and associates, the probation officer tried to hold up before his client high ideals of ethical conduct. The emphasis always was on the positive rather than on the negative side, and virtues and not vices were dwelt upon. Always the quiet example was much more effective than the eloquent sermon, and the indirect method yielded the richest fruit. The supreme importance of good character was placed before the probationer, not essentially as a form of self-repression or as a sign of saintly piety, but as necessary to any permanent or considerable success in life.

3. *Leadership*

No single influence in life is so powerful in motivating conduct and promoting vital growth as that of the example and leadership of a forceful and inspiring personality. Unless the officer exemplifies in himself the ideals which he is endeavoring to inculcate into the life of his client, little success will follow; nothing is more necessary on the part of the probation officer than high character if he is to function as a character builder.[41]

Realizing this truth, the supervision officers of the Bureau were carefully selected. The qualities sought in addition to training and experience were good character, virile personality,

[41] Rev. John M. Cooper: *Proceedings National Probation Association*, 1923, Page 136.

kind disposition, patience, self-possession, freedom from prejudice, an understanding of human nature, facility in conversation, and a deep-seated interest in people. Wherever possible also it was the aim of the Bureau to bring the probationer into contact with other constructive personalities.

Every contact which the officer had with his client was made as productive as possible. For example, the weekly reports of the probationer afforded excellent opportunities to enter into a sympathetic and invigorating relationship with him. Here could be discussed the intimate problems which were perplexing him. Here could be analyzed the motivations of either his commendable or undesirable actions during the week. As the officer obtained a more understanding insight into the character of his charge and gained his full confidence and respect, he tried, by means of advice and exhortation, to influence more deeply the beliefs, attitudes, and conduct of the probationer. The greatest single factor in the strengthening and stabilizing of the probationer's character will often be found to be the influence and constructive friendship of the devoted probation officer.

*Emotional Adjustment*

Not only did the probation officer find it necessary to straighten out mental conflicts, misconceptions, wrong ideas, and bewilderment on the part of his client, but often the very difficult problem of the latter's emotional adjustment confronted him. Sometimes the client was handicapped by many conflicting attitudes, aversions, and obsessions in regard to various personalities and conditions which had been accumulating perhaps during his entire life. Occasionally he harbored animosities and resentments against his parents, or his brothers and sisters, or against his associates or employers. Or perhaps he was dissatisfied and disgusted with his neighborhood conditions, the type of his employment, his habits of conduct, or against the social system *en bloc.*

In the presence of such problems nothing was more im-

perative than reassuring guidance by the probation officer, who, possessed of emotional control, found it possible to bring more tranquillity into the life of the probationer. Progress in stabilizing the emotional life of the probationer can be expected only when the probation officer possesses the power to maintain serenity and continuity in his own feeling life. The possession of such a steady current of feeling means that the officer is adjusted to life, that he possesses what Adolf Meyer calls, "constructive composure," and is able to impart his own emotional balance to his clients.

The problem, therefore, of the officer was that of tranquilizing and harmonizing the emotional reactions of his client. Unless the probationer could be trained to adjust his feeling reactions to varying conditions and contacts, unless his emotional responses were won over as allies, there would be present constantly an emotional strain that would prove a serious handicap to his future development. His personality then would become a house divided against itself, ready to topple over in any serious crisis. Whether at home among its inevitable frictions and irritations, whether at his place of employment, where he was subject to rebuke and criticism from his superior, or whether at play with the odds of the game going against him, the importance of the adjustment by the probationer of his emotional reactions needed to be emphasized.

The idea of emotional control and stability was constantly held up before the probationer. Explosions of temper, brutality, deep-seated resentments and antagonisms, obsessions, unfounded suspicions, overweening egotism, excessive timidity, and other undesirable emotional reactions were analyzed and their objectionable features pointed out. The probationer was shown the destructiveness of extreme obstinacy, of jealousy, hatred, recklessness, and the attitude of lawlessness and irreverence.

Certain instinctive tendencies are the inheritance of delinquents, as of all mankind. These tendencies evidenced them-

selves in certain characteristics, which were shown now in excess and again in deficiency, and had been impelling factors in the delinquency of many offenders.

The strong or "sthenic" instincts—anger, acquisitiveness, assertiveness and sex—figured to a degree as incitements. The weak or "asthenic" instincts—tenderness, submissiveness, grief, and fear, were of course largely inhibitory rather than provocative in their immediate tendencies, and seldom if ever constituted impelling forces toward delinquent acts.

An authority has observed that the fact that strong or "sthenic" emotions are more pronounced in the male, whereas weak or "asthenic" emotions are more pronounced in the female, may account to a degree for the fact that broadly speaking, in this country there are nearly four times as many male criminals as female. The conclusion is pointed to, therefore, that the excess of criminal offenses among males may in part be accounted for by the excessive strength of their aggressive instincts.

Little by little, the probationer was brought to see the desirability both to his personal unfoldment and his social advancement of controlling his emotions and holding aggressive instincts in check. He learned to appreciate the value of tolerance, sympathy, generosity, gratitude, fairness, and good fellowship, in accordance with his capacity to hold such ethical ideals.

The securing of emotional adjustment depended largely upon the spirit of mutual confidence and esteem which existed between the officer and his client. Since emotional control is a subtle, invisible, internal process, it was only by persuading the probationer to give a complete straightforward account of his feelings and attitudes that any definite progress could be made. However, when such a frank relationship was developed and when the client was willing and eager to make any suggested changes, marked modifications could be effected in the feeling life of his client.

Moreover, as the probationer grew in the power of self-

analysis and realization, there developed a more wholesome attitude and appreciation of the various elements of his life. He came to respect the self-sacrificing spirit of his parents, the opportunities of a good job, the benefits and joys of wholesome comradeship and loyal friends, as well as the responsibilities and privileges of citizenship.

Special attention was paid to the treatment of the various instincts and emotions, such as, for example, the acquisitive impulse and the instincts of pugnacity and sex.

These instincts were not, by their own nature, vicious or dangerous although sometimes they constituted vehement impulses and made for active aggression. The probationers were helped to inhibit unsocial expressions of them by the development of their protective instincts of tenderness or affection, their fastidious instincts of repugnance or disgust, and by showing them the certainty of consequences, the restraining instinct of fear was brought into play.

When active team work between external conduct and the internal emotional reactions had been brought about, the probationer was in possession of powerful allies in the difficult task of character formation and personality development.

*Academic and Vocational Education*

Basic re-education was found essential in many cases. A study of each probationer's educational deficiencies and requirements was made, and a plan of education suitable to his social and family responsibilities and to his aptitudes and capacities was formulated. The broad educational resources of New York City were utilized. The probationer was made acquainted with these resources and was encouraged and advised on the selection of the proper schools and classes.

The evening and continuation schools and various classes giving instruction in vocational subjects were utilized in the educational program of the Bureau. Attendance at continuation schools of the youthful clients was carefully followed up by the officer. Probationers were encouraged to make use of

libraries, to attend night classes, and to join various social and educational groups.

The tendency of young men and youths in their later teens to believe that further schooling is unnecessary, that they are too old, or that it is too late for them to remove their educational handicaps was overcome only by persistent effort. Here the repeated appeal to the probationer's legitimate pride, or wish to succeed in industrial or social life was usually productive of the desired results. Those who professed repugnance towards the ordinary curriculum prescribed in school and those who evinced an interest in mechanics were placed in evening trade schools where they studied automobile repairing, electrical work, and other trades. Many of these youths are becoming mechanically skilled with every indication of a successful industrial future.

It was not unusual to discover youths with artistic or musical abilities, and in such cases, through cooperation with other agencies, their natural talents were developed under competent instruction. One young man who possessed an extraordinary faculty for sketching was supplied with the means of instruction by the Bureau and is now a fine cartoonist. Non-citizens who were unable to read or write English were enrolled in Americanization classes.

As was to be expected, there were many who, due to the nature of their employment, the length or uncertainty of their working hours, the advance of age, or the settled routine of their lives, could not be adjusted properly to any normal educational plan. For the probationers of these types, special efforts had to be made to induce them to join clubs or organizations where by even occasional attendance they might derive benefits of a stimulating or educational nature.

The probationers were trained to note the opportunities for increased earnings, improved industrial position, and added social prestige, which would result from a more complete educational equipment.

The educational program of the Bureau both for the aca-

demic instruction and the vocational training of the probationers broadened their horizon as to the possibilities of life.

*New Resources and Outlets*

The probation officer carefully sought to detect undeveloped qualities, capacities, and abilities in his charge. As new types of activities were suggested by the officer and tried out, the degree of success achieved therein was observed. Whenever the results seemed particularly favorable and desirable, the future development of the new capacities was advised. Thus, for example, the probationer might, through his vocational education, discover unsuspected aptitudes, or perhaps, might disclose special capacities of leadership in his new social relationships, in clubs, settlements, and political groups. If such proved to be the case, their development was encouraged by the officer.

The officer tried to have large successes follow the smaller successes, so as to cultivate in the client the determination to overcome obstacles and to acquaint him with the joy of definite achievement. Various means were utilized to release the creative energies of the delinquent and to direct them into constructive fields of action.

For the development, release and redirection of his energy, the inspiration and study of the offender was supplemented by training; his mental analysis was followed by mental re-synthesis. This re-education consisted hardly at all of mere verbal instruction or reiterated ethical precepts, but it was practical, and the probationer was not expected to depend exclusively upon good intentions to keep his foot from slipping.

Frankness and candor were fostered in the probationer; honesty with himself as well as with his associates; and he was encouraged in the often slow substitution of good habits for bad; of new social outlets for the old and lawless; of more wholesome interests for harmful interests or no interests at all; of kindly sentiments centered on some worthwhile friend

instead of unhealthy sentiments for base companions or vicious sentiments toward avowed enemies.

*Regaining Self-Respect*

Of great importance to the probationer was the regaining of his feeling of self-respect and the renewal of confidence in himself. The probation officer, as a sound advisor, instructed the probationer in regard to methods of satisfying his strongest interests without running counter to the law and in the development of a well-framed policy of life which would serve as a bulwark against failure in the future. Proceeding along the lines suggested by the probation officer, the probationer began to achieve success in his work and his various social relationships. By degrees he discovered that he was accepted as one of the group, and gradually there were built up within him a wholesome regard and respect for his own abilities and his own personality. This feeling of self-regard was also strengthened by the realization of his economic utility, his social acceptance, his consciousness of responsibility, and his adjustment as a normal law-abiding citizen. As he tasted of the elixir of success in his new life and received the merited plaudits and approbation of his old and new associates, his confidence was strengthened, and fresh incentive for more vigorous and faithful endeavor was furnished.

*Social Consciousness*

The ultimate criterion of successful personality adjustment was the appearance and unfoldment of an active and responsive social consciousness on the part of the probationer. Without that sense of social solidarity and that feeling of kinship with his fellow-beings, which are the driving impulses in the development of altruistic sentiments and conduct, the future career of the probationer as a law-abiding, constructive citizen could hardly be expected.

It was not unusual to discover that the probationer's apparent disregard for the accepted and conventional habits of life

was merely a defense reaction to his feeling of isolation. In respect to juvenile naughtinesses he had perhaps heard himself referred to as a "naughty boy." Falling in with this concept of himself he had become increasingly delinquent. Meeting only constant scolding and abuse and hearing himself spoken of as a "hopeless criminal," he had come in time to accept these oft-repeated suggestions and conceived himself to be in fact, what he had always been assured that he was, and had acted with a will the character assigned to him. This picture of himself had to be reprinted. In such cases the individual was brought to realize that he was an essential unit in the community and that any evidences on his part of a sincere desire to join in the activities and advance the objectives of his neighbors and associates would receive due recognition. Thus the probation officer pointed out to the client the benefits, both tangible and intangible which would result from an improved course of conduct.

The probationer was shown that his objectionable conduct was not the outcome of inherent viciousness but rather of natural, human instincts, of lawful desires unlawfully expressed. Sometimes it was desirable to magnify his virtues and to minimize his faults and to encourage him so that should he have a momentary relapse, he would not abandon hope of regaining the level of socially acceptable conduct.

Efforts were made to arouse the probationer's desire for increased personal power which could be attained by measuring up to the higher forms of social conduct and to fire his determination to ascend in the moral scale so as to obtain the recognition of his fellow men.

Through enthusiastic and active participation in all the duties and responsibilities of normal life, through the give and take of social participation, through the development of sincere friendships and an appreciative and loyal attitude towards family, work, neighbors, and Church, a sense of community interest and social consciousness was gradually evolved in the mind and heart of the probationer. He was prevailed

upon to throw himself into life with energy and gusto and to cooperate in group activities and team work. He was stimulated thereto by a desire for social esteem, which proved valuable in stabilizing and improving his conduct and developing loyalty, the feeling of friendship, and a consciousness of kind.

Whatever the outcome of the efforts to aid the probationer to regain his self-respect, he was always inspired with hope and not with despair. Endeavors to reach his better self were unfailing. The probationer was never permitted to entertain the idea that he was by inbred nature wicked and a rebel against home, an outcast from society. Always the emphasis was on developing a wholesome pride and a salutary response, and he was stirred up to believe in and work for his own reformation.

*Appearance and Manner*

Important factors in making the probationer more acceptable in both his new and old environment were the cultivation of a neater appearance and a more gentlemanly manner. Such socially desirable characteristics as correct posture and carriage, pleasant facial expression, a ready smile, personal cleanliness, an agreeable voice and, in general, a quiet polite manner were pointed out, and the best methods of improving them were discussed. Such faults of manner as too great aggressiveness, boastfulness, flippancy, petulance, or sarcasm were also considered, if they were present, and the opposite desirable traits were held up for emulation. The probationer was taught to realize also the financial and social advantages of improving his manner and appearance.

*Religious Development*

Since the aim of the Bureau was to bring about not merely objective evidence of good conduct, but to effect a sincere and lasting reform from within, close attention was paid to the furtherence of the religious development of the probationer.

Frequently a complete re-education in spiritual values and moral standards was essential.

After the supervision officer had gained the confidence of his charge, it was possible for him to talk over his religious practices, the religious training he had received, and the other influences which might have determined his spiritual outlook. A sympathetic insight and understanding based on their common allegiance to the same faith, then made it possible for the officer to develop an individualized plan for bringing his client into vital contact with religious influences. Attendance at Church was required of all probationers. They were also counselled to receive the Sacraments regularly. A more intimate acquaintance with his pastor, affiliation with Church societies, and the use of the social and recreational facilities of the parish were encouraged with the idea that, through the constant contact with these wholesome and attractive associations, the probationer's attitude, point of view, and behavior gradually would be modified to conform with the ideals of the Church.

In many of the steps which we have enumerated for the upbuilding of personality, the influence of religion was found to be potent. Often the remoulding of the probationer's ideal of himself was promoted by recalling to him the religious experiences of his early life, and the good example given him by a father or a mother, now dead, but still watching over him. Men who had become discouraged by their own failures were reminded of the forgiveness and help which God has promised to those who mingle their sorrow for the past with a sincere determination for the future. Magdalen and Peter still move the souls of men.

Self-control must be based on self-knowledge. The practice of regular sacramental confession required the probationer to study himself, to note his tendencies and to periodically reaffirm in the silence of his own soul the resolutions which he had made for the successful upbuilding of his life. The

Catholic observer further sees in the changes wrought through this secret tribunal, a supernatural assistance rendered to man by the Godhead.

The resumption of the simple practice of night prayers, where it could be secured, not only awakened wholesome memories, but provided a daily personal checkup on progress and reminded the probationer of his continuing dependence on and accountability to God. The reception of the Eucharist after months or years of neglect was a visible sign of his reinstatement in the Divine favor. Frequently the probationer was rescued from a spirit of loneliness and weakness when he was brought to realize that a loving, all-powerful Father was always near him to strengthen and to guide.

The resources of the Catholic Charities of the Archdiocese of New York, organized to cope with the spiritual and social needs of the neglected, dependent, and delinquent members of the Church, were drawn upon to develop the personalities of the probationers and their families.

Cooperation and support were freely given by the Divisions of Families, Children, Health, Protective Care, and Social Action of Catholic Charities, and by the many special works under Catholic auspices such as probation schools, special educational activities, parish clubs, day nurseries, hospitals, convalescent homes, Big Brother and Big Sister organizations, and institutions for the dependent, delinquent, aged and infirm.

That emphasis on religious and moral training is an especial need of the times has been evidenced by the large numbers of offenders on probation and in prison to whom anything of spirituality is a closed book This condition attests the truth of Father Keegan's statement regarding the necessity of laying down the apperceptive basis in the mind of the child:

> If we are in early life taught to love and appreciate that which is good and true, we will have acquired a good character; if we are strangers to everything but

vicious experience, we will have formed a character which may sanction participation in criminality.[42]

*The Long Look Ahead*

A working principle of the case work of the Bureau was the Long Look Ahead. The conception of the probationary supervision implied much more watchful care on the part of the officer during the legal period of probation. *What was the probationer going to be and what was he going to do after he had passed from the care of the Court?* From the beginning of the case work this question was born in mind. The plan of treatment considered the whole life and career of the probationer, both during and after the probationary period. The question of prime importance was: What does the probationer most need to hold him steadfastly to his resolution to become a good citizen?

In working out a plan for the future life of the individual, it was recognized that it must be accepted as his own if he were not to abandon it after the probation period. Even if a much wiser plan than the probationer could devise were brought to his attention, unless his honest acceptance of it were secured, it had to be replaced by his own. Trial and error again entered here, and one of the lessons that the probation officer had to master was that the probationer must learn by his own experience, sometimes from his own mistakes, to make his choices wisely. But to have learned this lesson thoroughly was worth the risk of many failures.

The *permanent* restoration of the individual as a constructive unit in the community was the responsibility which the Bureau accepted as the test of its efforts. Each step, therefore, in the process of returning the delinquent to the normal ways of life was undertaken with this goal in mind.

The Long Look Ahead also included a friendly post-probation supervision after the legal termination of the period.

[42] Rev. Robert F. Keegan—Justice and a Crime Program—*Catholic Charities Review*—November, 1925—Page 335.

This interest and service was regarded as indispensable to the fruition of the plan for permanent adjustment.

The assumption of the responsibility for permanent rehabilitation involved the shouldering of many serious problems. The Bureau believed, however, that in justice to its obligation to the community, it could not be satisfied with any lesser standard of achievement.

## Tendencies Avoided

### *Subtle Antagonisms*

The situation wherein a subtle antagonism against the probationer was aroused by the officer's feeling of powerlessness and inability to achieve progress in the diagnosis and treatment was avoided as far as possible by the Bureau's plan of administration. By the appointment of competent probation officers, by flexibility in the assignment of cases, by close supervision, by difficult case conferences, and in some instances, by the transference of an obdurate problem to another officer better adapted to the particular personality, the development of antagonistic attitudes was largely prevented.

### *Too Close Supervision*

Too close supervision, which always presents an obstacle to the permanent adjustment of the delinquent, was also a thing to be avoided. Over-exacting watchfulness, ready-made plans, too great anxiety to help the probationer in the solution of problems, nagging in regard to details which might be better left to his discretion, and a plethora of advice, were looked upon as real faults. The habit of carefully analyzing his own problems, the spirit of facing responsibility, the quality of sturdy self-reliance, and a faithful execution of all the elements of the plan of adjustment were encouraged on the part of the probationer.

*Impatience with Relapses*

Practically every person who has achieved eventual success in life has had to experience failures in his career. Likewise, the progress of the probationer was not uniformly successful at every step and did not describe an unvarying line of ascent. At various points during the different periods of the upbuilding process, the probationer reverted to his old habits of living or abandoned the new plans of progress. Such relapses demanded prompt attention, yet punitive action was often withheld, and the slow process of reconstruction was continued. The probation officer was instructed not to be too quick to discipline slumps in conduct. Sometimes in probation work such slumps have been too swiftly penalized. The case work of the Bureau included several instances of ultimate success after repeated failures. Always the process was one of slow natural growth, wherein impatience for results might have proven disastrous.

*Objective Case Work*

The improvement merely of the external aspects of the probationer's life—better employment and recreational facilities, more wholesome neighborhood conditions, and increased social opportunities—was not accepted as positive proof of his rehabilitation. All this availed nothing unless the "central springs of the living spirit" had been tapped, unless there had been nurtured a sound growth of character, tried and tested, which would constitute through life a source of inner power and sustaining strength to the regenerated spirit of the probationer.

## In Retrospect

On looking back over the progress of the Catholic Charities Probation Bureau during the two years of its existence, no thought evokes more concern than the realization of how incalculable is the task of coping with problems of behavior

and delinquency. So intangible and mysterious are the forces which motivate conduct, so complex and baffling is the riddle of personality, that even with the knowledge which science today affords, there is still lacking that complete insight into human nature which will furnish a scientific basis for any program of social betterment.

Readers of the foregoing chapters should not conclude then that failure was always alien to the Bureau, or that the path of probation is a smooth and well defined one. No claim is made of unqualified success; no pretense of unmeasured achievement, either in the results that have accrued or in the attainment of the ideals which motivated its founders and inspired its workers. Failures and errors of judgment were known.

At all times the workers themselves were their own most severe critics. Laboring strenuously to overcome the difficulties of the task, they searched out the causes of failures and currently tested methods and results to weed out and remedy any weaknesses or lacks which attended their efforts. Perhaps the greatest shortcoming was the inability to fully achieve that coordination of practice with theory, which is the real essence of scientific probation. Nevertheless, the ideals of probation were never relinquished in the social case work of the Bureau.

Although the undertaking was adequately financed and favored in having the constructive cooperation of a socially minded Judiciary, there were ever present the many arduous problems of administration, not the least of which was that of selecting and subsequently training the personnel. Even with an adequate staff, unhampered by restrictions in their appointment or dismissal, and despite the long hours and devoted effort of the workers, and the maintenance of high standards of practice, the results fell short of the aims of the Bureau all too frequently.

Considering, therefore, the advantages which the Bureau as a private enterprise enjoyed in the way of resources and

equipment, one pauses to ponder the difficulties of less fortunate agencies which attempt to grapple with the age-old problems of personality and individual rehabilitation.

Edward T. Devine once wrote that "The daily work in a social agency, to be well done, demands:

An intelligence that shall not slumber.
An earnestness that shall not tire.
A patience not to be overcome.
A sympathy that will not suffer itself to be chilled.

And none know better than those of us who have attempted the work how miserably easy it is in these respects to fail, and how miserably certain we are, when we fail, to err."

To some, Dr. Devine's thought may seem a "counsel of perfection." However, it was the experience of the Catholic Charities Probation Bureau that there is nothing more vital in probation work than the influence of the probation officer. Some failures of probation are as much the failures of the officer as of his client.

Looking toward the future in work with delinquents one cannot help but conclude that as equally imperative as the necessity for interested and intelligent workers and freedom from political interference, is the need for a deeper and a more penetrating insight into the hidden springs of conduct. Present knowledge is too limited and achievement too puny and futile in comparison to the magnitude of the human problem. For its solution, every known discovery of science and the truths of philosophy and religion must be utilized, and from these, new methods must be constantly and painstakingly evolved for sounding the uncharted depths of personality.

More than all else, there must be an appreciative recognition on the part of the community of the obstacles which impede the progress of social amelioration. And recognizing the difficulties which hinder probation officers and other social workers, it should furnish them with that enlightened cooperation, that material assistance and sympathetic encouragement, without which no advance can be made towards a satisfying solution

of the enigma presented by the problems of maladjustment and delinquency. "The control of crime," writes Robert W. Bruére, Associate Editor of the *Survey*, "lies not in a flare-back to medievalism but in patiently pressing forward along scientific and engineering lines."

# CHAPTER IX

# A STUDY IN ADJUSTMENT

I have often noticed, in burning a pile of dead leaves, that the mass that seems burned through will, if turned over with a rake, burst into fresh flame. Down under the mound, smothered by weight and closeness, were many fragments that needed only air and freedom to burst into golden blaze . . . To turn it (society) top to bottom now and then would liberate brilliant human combustions that now lie choked.[43]

[43] Christopher Morley: *The Family*.. Vol. V. No. 10. February 1925.

## CHAPTER IX

## A STUDY IN ADJUSTMENT

The following is a study of a problem case and the steps taken for the personality and social adjustment of the probationer. Here are presented the offense which brought James R.* before the Court of General Sessions, the study of his background, the plan of treatment evolved, and the case work carried on, indicating the methods used and the results noted.

Throughout the progress of this case it was necessary at all times to guide the probationer toward insight to his own problem and to permit him, by trial and error and out of his increased experience, to arrive in his own mind at the conclusion that there were, perhaps, better ways of living than he had previously known. At the outset, he was sullen and resentful. He was inclined to be defiant and asocial in his attitude toward considerations of good conduct. A probation officer of well-balanced personality was needed, so that no subtle antagonisms would be developed nor any feeling of futility arise because of James' persistent stubbornness. Great care had to be taken that James might not be affronted or his aloofness and reticence aggravated. Too close supervision would have been disastrous with one of his personality. He would have manifested irritation and drawn further within himself.

* Statements concerning localities, names, dates, nationalities, and facts of family history as given, in the usual professional fashion, are reported with disguises.

The probation officer who was responsible for his destiny tried never to manifest any impatience with his relapses but looked upon them as the steps by which James was climbing to a new level of self-knowledge.

The case-work was never merely objective in its aim. James' regular reporting, the care of his health, vocational guidance, family adjustment, constructive recreation, spiritual development, and habits of thrift were considered only as means to the end of building a strong character. The case effort always was to bring about the permanent rehabilitation of the client.

What he would do and what he would be after he had passed from the care of the Court would be determined by the sincerity and depth of his reformation. Not superficial change, but reform from within was the goal. To foster spiritual growth, to awaken moral and social consciousness, to encourage inhibitive instincts and to develop character, so that strong forces might be built up to oppose and neutralize from within the more selfish, anti-social tendencies of unmitigated anger, acquisitiveness, or sex,—these were the considerations always in the mind of the probation officer and constituted the motivating principles of his work.

The problem will be presented in accordance with the following plan:

PART I

SOCIAL DIAGNOSIS

A. *Legal History*

Offense.

B. *Study of the Background*

Father; Father's Family; Mother; Mother's Family; Siblings; Developmental History; Home and Neighborhood Conditions and Influences; School History; Habits and Interests; Companions; Work History; Delinquencies; Religious Observances and Training; Contacts with Social Agencies.

C. *Study of the Individual*

Physical; Neurological; Psychological; Report of Psychometric Test; Mental Balance; Personality Traits; Psychiatric; Prognosis.

PART II

THE PROCESS OF ADJUSTMENT

A. *Formulation of Plan*

1. Early Contacts

First Interview with Probationer; First Visits to Home and other Places; Economic and Social Status; Creative Interpretation of the Facts.

2. Case Analysis

Problem; Causal Factors; Plan of Treatment.

B. *Acceptance of Plan*

Gaining Confidence and Respect; Arousing Admiration; Realization of Problems and Motives by Probationer; Removal of Anti-Social Attitude; New Visions and Goals; Transference of Objectives; Trial and Error Permitted; Acceptance of Plan.

PART III

THE PROCESS OF ADJUSTMENT

(*Continued*)

A. *Social Adjustment*

Development of Social Relationships

Right Job; Financial Independence (Budgeting and Thrift); Family Adustment; Constructive Recreation; Restoration of Social Status.

B. *Personality Development*

Holding up Ideal of Self; Physical Rehabilitation; Character Building; Vocational Education; New Resources and Outlets; Regaining Self-respect; Social Consciousness; Appearance and Manner; Religious Development; Outlook for Future.

## PART I

### SOCIAL DIAGNOSIS

### A. *Legal History*

James R., *18* years old, was arraigned in the Court of General Sessions charged with stealing a taxi-cab. He pleaded guilty to Grand Larency 2nd Degree. The Court was reluctant, in view of the seriousness of the offense, to place him on probation at the time of sentence, and his case was adjourned several times for three month periods before he was finally placed on probation. During these interims, he was under the supervision of the Bureau.

*Offense*

At 10:30 one evening James, acting in concert with Peter M., entered and drove away with a taxi-cab which was stand-

ing at a corner near their homes. They threw a wrench which they found in the car through the plate glass window of a sport-shop in the neighborhood and stole two revolvers and some cartridges from the display window. Speeding away, they ignored the warning of a traffic officer, who fired his revolver after them. He commandeered a passing automobile and apprehended them after they had sent several shots in his direction.

The co-defendant, Peter M., who had a long criminal record and who was the instigator of this offense, was sentenced to State Prison for 2½ to 5 years.

### B. *Study of the Background*

Details of the family history were obtained from James' parents, who were cooperative and painstaking in their statements. School, employment, and other data were obtained from available sources: teachers, foremen, fellowworkers, neighbors, police, priests, church visitors, and others.

*Father*

Age *48*. He was born in New York City and received an elementary school education. In his earlier years he was a ball player of considerable local renown and was very popular among the young men in his neighborhood. Now, middle-aged, he continues to pitch for the ball team of a neighborhood club. Since his marriage and the birth of his children he has become increasingly domestic in his tastes, and his social life has been limited to his home and a political club in the district.

He married when he was *21* years old, and his wife was three years younger. His health history has been negative. The examining physician's report was secured from an insurance company which had issued a policy to Mr. R. three years previously, and nothing of major significance was found. He was in vigorous health and appeared normal in every way.

He is orderly in his habits, he uses tobacco and liquor moderately, and his reputation in the neighborhood is excellent. He occasionally attends the movies; his reading is confined to the daily papers. He is interested in the political news, plans for civic improvement, and the household radio. He lives in harmonious relationship with his wife and children.

Mr. R. worked as a chauffeur and teamster for one firm for twenty-six years, receiving a wage of $30. per week. From this position he resigned about three years ago in order to obtain higher wages as a laborer. His earnings during this latter period have averaged $8. per day.

*Father's Family*

The father's parents emigrated to New York after their early marriage. Nine siblings were born of the union. Five siblings died in infancy of some unidentified or forgotten childhood disease. The four boys who lived received an elementary school education, and all were unskilled or semi-skilled workmen. The paternal grandfather learned shoe cutting in his youth and always worked at his trade. He died of hemorrhage of the lungs when he was *45* years old. The paternal grandmother died of pleurisy and pneumonia a year previously at the age of *43*. One of their sons died of pneumonia at the age of *35*. The cause of the death of another of James' uncles at the age of *32* was unknown. He was born with a cast in one eye and had become blind a year before his death, following an injury to the optic nerve. All were of normal mentality, and there was no evidence of psychoses or eccentricities.

*Mother*

Age *45*. She was born in New York City and received an elementary school education. She remained at home for a few years after leaving school and married at the age of *18*. Her one serious illness occurred about *22* years ago, when peritonitis developed following the birth of her third child. This con-

dition, it is alleged, resulted from the carelessness of a midwife. Since her recovery on that occasion she has never been ill nor required any medical treatment. She nursed all of her five children, who were born at two year intervals. She is interested in her housework and is a good cook. She is attentive and considerate toward the children and seems sincerely devoted to her husband. From her husband and later from the children she always received adequate financial contributions. She never had any special emotional or economic strain with which to contend.

*Mother's Family*

The mother's parents were immigrants, who settled in New York City. The maternal grandfather was an ironworker who died *25* years ago at the age of *44*. The maternal grandmother died suddenly a short time later. She was an unusually large woman and weighed over 240 pounds. The exact cause of their deaths was not known. Mrs. R. was one of five siblings, two of whom died of diptheria in their pre-school years. One brother and a sister are married, in good health, and the parents of healthy children. All are of average intelligence, and there are no evidences of psychopathic traits, mental disease, or defect.

*Siblings*

(1) Owen: Born *27* years ago, died at the age of six months. He had been suffering from difficult dentition and summer complaint. (2) Margaret: Age *25*, married, with her husband she maintains her own home in the suburbs. She has three children, *5*, *3*, and *2* years of age. Margaret is of an extraordinary size. She weighs about 215 pounds. She is, however, in good health, and her condition is considered normal by the family, who attribute her obesity to the influence of heredity. (3) Genevieve: *22* years of age. Genevieve made slow progress in school and left in the seventh grade at the age of sixteen. The school report shows that she was of

dull normal mentality, more interested in hand work than in academic pursuits. She is getting along well in a factory where her deftness assures her good wages and regular work. (4) James: our probationer. (5) Ellen: *16* years of age, graduated from public school. Her disposition is even and her nature social. She is employed in the stock room of a large mercantile company.

*Developmental History*

Normal pregnancy, baby born at full term, short labor and normal delivery. Weighed seven and one-half pounds, breast fed for a year; weaned without difficulty. Dentition at eight months; walked and talked at about fourteen months; no enuresis or convulsions. He was a decidedly cranky child who made a good many demands for attention upon the other members of the family.

James escaped all the usual children's diseases. At the age of fifteen he was struck by an automobile and slightly injured. It is not apparent that there have been any unfortunate after-results.

*Home and Neighborhood Conditions and Influences*

James was born and has lived all his life in the same neighborhood. The family have occupied their present four room flat on the third floor of a fifteen family tenement for the past eight years. They pay a rental of $27.50 a month. There are two bedrooms occupied by James' parents and sisters, a living room where he sleeps on a folding couch, and a kitchen. The rooms are adequately furnished, clean, and well kept. There is access to sun and air from the living room and kitchen; the bedrooms, however, open on shafts. There is no bath, and they depend on gas for heat and illumination. A few books are in evidence. James owns a small collection, mostly magazines of adventure stories.

The family have a moderate amount of social life. The friends of the various members visit them frequently. The

"boy friends" of James' sisters are regular callers, and he is on good terms with them. His chums and other companions occasionally spend an evening at the home playing cards or checkers or listening to the radio. His father, whose own boyhood was very satisfactory, possesses the confidence of his son to a considerable degree. His mother is fond of him. His sisters feel humiliation and chagrin at his arrest. The family had been concerned and worried for some time over the increasingly disorderly life James was leading. Their distress expressed itself in admonitions and reproaches.

*School History*

James began school when six years old and completed 7 grades during the ten years that he attended school. He repeated several half year terms. This was due in large measure to indifference and poor conduct. He was not interested in a curriculum adapted to the medium of intelligence rather than to pupils of the upper and lower intelligence levels. He was occasionally truant in the 7th Grade. He was unable to attend school for a few weeks following his injury by an automobile.

At the age of *16* he left the elementary school, obtained employment, and enrolled in continuation school. He attended a class in mechanics regularly every Monday morning for a few months. Then he was transferred to a class in electricity. Neither of these classes was in any way related to his job. The continuation school attendance was discontinued after a year, when he reached his seventeenth birthday. James is remembered by his teachers variously as responsive and resentful, as cooperative and stubborn, as well-behaved and mischievous. The variable moods described may be the expression of his suggestible nature, reacting to interested or impatient teachers, to an attainable or (to him) an impossible course of study, to absorbing or uninteresting subjects. James' educational experience was not calculated to

stimulate him to effort or inculcate in him an appreciation of the benefits of study and reading.

*Habits and Interests*

James' interests were limited by his environment. As a young boy he found his amusements almost entirely with companions met at school or on the streets. He was always active in outdoor games, enjoying particularly ball-playing and swimming. From an early age he had attended motion-picture shows but never excessively. He had read such boys' books and adventure stories as came to hand. Lacking any encouragement and special direction, he had not found in the books that were available much that would interest him. He had read some books on handicraft and manifested an interest in mechanics.

After leaving school and becoming a wage earner, he continued to participate in the activities of his old friends. There were various games,—handball in the streets, baseball on Saturday in the nearby park, swimming at the beaches on summer Sundays, house parties (sometimes attended by questionable characters), and motion picture theatres. These diversions and an interest in the family radio, an ususually fine machine, constituted his means of recreation. Although he has never quite attained his father's prestige as a baseball player, he was the 3rd baseman on a championship team two years ago. He reads the sport pages in the newspapers and is familiar with the records of many athletes.

He has shown a moderate interest in girls and had kept company with one for several months. He was quite fond of her, took her to dances, and thought she was a "good girl." He revealed that he had developed a feeling of animosity towards the co-defendant in the offense herein, for he found that Peter had seduced the girl.

Peter had shown a disposition to shield his young accomplice by taking the responsibility for the crime in his stories to the police, the probation officer who investigated

the case, and the assistant district attorney. He lacked the stamina, however, to adhere consistently to his falsehood and finally involved James completely. At first Peter incorrectly alleged that it was he who had returned the fire of the pursuing officer. He had told James that, in view of his previous record, he expected to be sentenced anyway and that James was too young to be sent away. Weakening under inquiry as to who had fired the shots, Peter finally said, "How could I have fired the gun when I was driving the car?" James wept when Peter was sent to prison and he was freed. "He went away for me," said James. "I fired at the cop." Then reason and bitter memories replaced his emotion, and he remarked that he did not owe Peter anything because of his conduct with the girl.

James' family reported that he is indifferent regarding his clothing and appearance. At home he has been an obedient and docile son. He occasionally assists his mother in heavy work or by doing errands. He is a hearty eater and sleeps well. He smokes a few cigarettes daily and drinks a moderate amount of tea and coffee. Although the father had always had beer and, occasionally, whiskey in the house, James had always appeared indifferent to it. For a few months prior to his arrest James had been addicted to occasional excessive indulgence in alcoholics and on the night of the offense had succumbed to the influence of intoxicants. There has never been any indication of bad sex habits in his life.

*Companions*

The father knew James' more intimate associates, and he heard from various sources of those whom his son met more casually at parties, clubs, or pool rooms. He knew his immediate chums to be well-behaved, orderly youths of fair industry and good conduct. With parental optimism and belief in the resistance of his son, Mr. R. considered that association with a few disorderly and boisterous characters was incidental to residence in the neighborhood, and that his son

had sufficient integrity of character to withstand any temptations that might arise.

James had never belonged to the scouts nor any settlement house or church club, but he had been a member of a somewhat informal club which met at a nearby billiard room. The boys who had constituted the members of the baseball teams on which he played earlier had developed less wholesome tastes. They were earning more money recently and were playing pool and cards, frequenting shows and dances and were attentive to the girls of the neighborhood. James had come to adopt their devitalizing habits. Sometimes they attended ball games and reminisced over the teams with which they had played. They had even talked of organizing a team of their own, but this plan did not materialize.

A considerable number of youths in the district had criminal records. These were not among James' closer friends. To him, getting arrested was a thing to be feared and avoided. Of course, some of the boys who had served "time" were notorious. Their alleged fearlessness and abandon brought them grudging admiration. In general, to James, this sort of glory was not considered worth paying the price it cost—in fear of apprehension, physical injury, detention, removal from one's familiar habitat, and grief to one's family.

*Work History*

For fifteen months prior to his arrest, James had been employed by the Manhattan Railroad Company. It was his duty to ride a horse along the railroad tracks which traversed a much travelled street near his home and to wave a red flag to warn pedestrians of approaching trains. This job taxed neither his mentality nor his physical capacity. It was demoralizing in its routine; it paid wages of $15. a week and offered no promise of advancement.

For one year before this, James was employed in the stock room of a mercantile house not far from his domicile. In this position he received $12. a week wages. His activities

were directed by several different people, and he disliked the work for this reason and because the shop was airless and stuffy. He left the job of his own accord, having heard from a chum of the intriguing opportunity to ride a horse all day.

His employment record showed he had always been punctual and steadily employed. He had, however, never worked hard nor had he developed any particular interest in securing a position which would lead to financial competence. He had contributed his salary to his mother and she had returned the greater part of it to him for clothes and spending money.

*Delinquencies*

James had no previous court record.

The complaints of misbehavior made by his parents, teachers, and employers were largely on account of his lack of achievement and indifferent attitude rather than because of viciousness or petty thievery. His street fights were not unduly numerous for the neighborhood and were the expression of his desire for recognition and of boyish exuberance. He had never shown any tendency to "bully" smaller boys or to run away when battle offered. During his school days he had abstracted fruits from the cars a block away and eggs from the street stands. James had now outgrown this earlier heedless frolicking. For a year he had been attending neighborhood parties and drinking bootleg liquor. He had become less communicative at home but had not been actually untruthful. Frequently he remained out until a late hour. His family felt that he was drifting and not getting anywhere.

*Religious Observances and Training*

James had received religious instruction at Sunday School which he attended during his school days. He received the Sacraments regularly during this period but recently had fallen away from the accustomed practice of his family.

The clergy and church visitor knew the family as regular church attendants and well-behaved people of good repute.

James had acquired the habit of idling on the street corner on Sunday morning with youths who thus spent the time when their families believed they were attending services. He had done this at the persuasion of his companions; it had given him a certain feeling of independence and abandon, but he had thus been deprived of the stabilizing influence of religion and of the "sense of belonging" which had assisted in holding him to a course of right conduct until he reached his later teens.

*Contacts with Social Agencies*

The family had not been registered with the Social Service Exchange by any social agencies.

### C. *Study of the Individual*

*Physical*

James is five feet four inches tall, weighs 140 pounds, and has a well-knit and sturdy frame. He has fair hair, a rather well-shaped head, and clear, well-spaced blue eyes. His gait and posture are indicative of well-developed musculature and of physical laziness and mental sluggishness. He has no organic disease or functional deficiencies.

*Neurological*

The neurological examination does not show any pathological condition. No paralysis nor disturbed or broken reflexes were disclosed and normal responses were obtained throughout.

*Psychological*

*Results of Examination*

Age: 18 years, 8 months, 1 day
Terman Score: 11 years 11 months
Intelligence Quotient: .74
Interpretation: Of borderline intelligence

James apparently cooperated to the best of his ability. He was agreeable and seemed anxious to please. Throughout the test his reaction time was unusually slow. This slowness may have been due to the serious way in which he tackled each test; on the other hand, it may be a native trait.

*Report of Psychometric Test*

On the test he has a very wide range of successes. It is necessary to go down to year VII for a basal age. He had no difficulty with any of the VIII year group except the ball and field problem. Here his solution showed no planfulness whatever. He had no failure in the IX year series. In the X year group he succeeded on the vocabulary, the absurdities, the reproduction of the designs, and the reading and report. He failed in the comprehension and the free association test. His failure on the former was seemingly due to lack of understanding. On the latter it may have been due to an emotional blocking, which, however, gave no other appearance. He succeeded on four of the XII year group but failed in the definitions of abstract words, the dissected sentences, the ball and field test, and the interpretation of pictures. Of his successes at this year, there was but one which was truly definite. This was in giving the similarities. He was credited for the vocabulary although he scored 30½ out of 40; out of three trials he repeated but one set of digits correctly; he was credited for the interpretation of fables although he gave but two correctly and one of these he knew the moral of when the title was given, showing that he was relying on his memory rather than on any reasoning out at the time of the test. In year XIV he failed in the vocabulary, the arithmetical problems, and the clock problems. He was given credit questionably on his differences between president and king. On the other two tests of this year he just gained credit. He failed all the average adult series except the code test His upper limit was the superior adult group.

*Mental Balance*

Normal. In conversation is always coherent. Has good emotional control. Is quiet and well poised.

*Personality Traits*

James' superficial sullenness disappears under friendly inquiry. He seems frank but rarely volunteers information. Undemonstrative, but has a kindly, interested manner. His attractive appearance and expression make a good impression.

His mother reports that James is sincere, honest about money at home, good-hearted, not restless, occasionally tells "funny stories" in a way that the family find very amusing.

*Psychiatric*

He is a type easily influenced by the braggadocio of companions who arouse egotistical ideas in him. He was fully aware of the criminality of his act although he was under the influence of liquor at the time. He is suggestible to flattery and to the influence of anyone who is able to awaken his self-conceit. Under this influence his higher emotionality would lead him to impulsive acts entirely devoid of any cognitive elements. He is the type of boy who, as a rule, would be chosen by gangsters as a tool. There is no doubt but that the environment in which he was brought up was an untoward and predisposing circumstance in the development of his anti-social attitude. His associates often lacked the higher concepts of morality and community service which he would have accepted with equal readiness.

*Prognosis*

Not a very great deal should be expected of this boy. He seems to be of a fairly steady type, and under supervision and in good environment he should do well at general labor or a simple trade. However, in a poor environment and without careful supervision, he is more than liable to become

a serious social problem. With his neat appearance and friendly face, he could probably go for some time without being suspected of wrong-doing.

## Part II

## The Process of Adjustment

### A. *FORMULATION OF PLAN*

#### 1. *Early Contacts*

*First Interview with Probationer*

James' first contact with the probation officer was at the Bureau immediately after he had been conditionally released by the Court. He was accompanied by his mother. The probation officer was conversant with James' background, and the personal interview afforded another opportunity for insight into his personality and for laying the foundations for the confidence and establishing the *en rapport* with his client which must provide the basis for all progress.

James was instructed in the conditions of probation. The more obvious causes of his delinquency, bad companionship and abuse of intoxicating liquor, were pointed out to him and reluctantly admitted.

His sullenness, but innate honesty was apparent. His dynamic qualities were negative. That his lethargy was constitutional was contradicted by well-developed musculature and occasional changes of expression which entirely banished his resentful appearance for a moment or two.

Personality characteristics of stubbornness and rebelliousness evidenced themselves in his discussion of his immediate needs. He was jobless and without funds. He said his parents would provide a home and he would get his own job. He was disgusted with small wages and was going to be an office worker. He thought they got big salaries. He did not de-

sire the probation officer's help. He preferred probation to prison confinement, but if he felt any enthusiasm at being placed on probation, he was not going to let anyone know it. His good character trait of loyalty, developed according to gang traditions, was manifested in his brief reference to the co-defendant. Toward his mother, who was emotionalized over her son's experience, he was kindly and responsive.

James' mental content, ideation, imagery, and impressions were revealed only slowly and as his confidence in and admiration for the probation officer came into being during the ensuing months.

James was directed to report to his probation officer regularly on Tuesday evenings. He would be received in a private office without undue waiting, thereby avoiding proximity with other probationers.

*First Visits to Home and Other Places*

The probation officer visited James' home a few days after his first contact at the office. He interviewed both parents. The father who worked in the vicinity was at home for a noon-day dinner. The intelligent cooperation of the parents was sought. James' personality, problems, reactions to his environment, his needs, and the conditions of his probation were made clear. The probation officer encouraged the parents to expect more of James and to indulge him and condone his shortcomings less, in order to stimulate him to greater efforts. This interview was illuminating to the probation officer as well as to the parents. Friendship, understanding, and mutual confidence, which were born on that visit, existed throughout the following months when differences of opinion and conflicting viewpoints sometimes had to be reconciled.

The pastor of James' Church was visited. He knew of James' situation from the family and also from the investigating officer of the Bureau who had called on him in the course

of the diagnosis of the case. He promised to see the probationer as soon as possible and to influence him to attend Church regularly and to live in harmony with its teachings. He was especially concerned over James' addiction to alcohol and desired to have him take a pledge to abstain from its use. He invited the probation officer to call on him whenever he could be of any service.

The police officer on the post was, of course, known to the probation officer, whose probationers all lived within the district. His discretion and social viewpoint had been tested and proven. He knew James and his associates, and the probation officer enlisted his cooperation in gaining knowledge of his client's activities and promoting his well-being. Through this impersonal source of information the probation officer was never in the position of making plans based upon inadequate information or incorrect premises.

The president of the Boys' Club of the Church was seen, and his willingness to welcome James as a member if he should apply was ascertained. The president was a product of the neighborhood, the type of individual who is made, not hindered, by obstacles. Alert, ambitious, sympathetic, and stable emotionally, he was a local hero, whose helping hand was outstretched to aid his weaker neighbors. His friendship meant much to James, who, later on, was persuaded to join the club.

*Economic and Social Status*

James was without a position as the result of his incarceration in the Tombs while awaiting trial, and a new position was difficult to obtain at a time of year when laboring positions were few. He lacked the skill to fill any other available job. The expense of his lawyers, time lost from work by other members of the family in order to attend Court hearings, and James' own loss of wages aggregated a cost of several hundred dollars. He had caused his parents anxiety and had lost the esteem of some of his friends.

*Creative Interpretation of the Facts*

James was reluctantly amenable to the disciplinary aspects of reporting and answering inquiries at the outset of his probation period. He was not ready to accept the probation officer as a friend nor to believe that probation could do anything for him.

His sullen disposition and resentful attitude were aggravated by his joblessness, lack of funds, and a sense of failure. The shock of his arrest and imprisonment had made him more serious but had not enlarged his horizon.

James' needs were carefully considered by the probation officer to the end of effecting his social adjustment and bringing about his personality development, keeping in mind what he would do and what he would be throughout the years to come when he would no longer be under probationary supervision.

At a difficult case conference, the probation officer presented James' case to a group including other supervision officers, the officer who investigated the case, a church visitor, a psychologist, and the Case Supervisor.

## 2. *Case Analysis*

At the conference on James' case the following presentation of the problem, causal factors, and plan of treatment was drawn up:

a. *Problem*

James' poor school work, due to his limited capacity for responding to academic education, has developed in him a feeling of inferiority which is reflected in his gait and manner and in his defensive reactions to his experience.

He lacks vocational training or any special skill. His earning capacity is low, and this has further tended to isolate him from the larger activities in which he could take his place if he had a better community standing and a larger income.

The desire for new experiences, natural to a youth of eighteen years, has been blanketed by his monotonous employment, which taxed neither mental capacity nor physical strength nor agility.

Accustomed to giving most of his small wages to his family, James was unable, because of his inadequate allowances, to seek the company of the girls of the neighborhood, whose response might have compensated for his growing feeling of inadequacy.

He had tried to stifle this feeling through attending wild drinking parties. Deep-buried in his subconsciousness, his wish to be acclaimed for his prowess in some line was revealed when his inhibitions were released by alcohol. His desire to secure the recognition of his associates, schooled in crime, led him to follow for an hour a career of larceny, vandalism, burglary, shooting, disregard of traffic ordinances, and indifference to the orders of the police.

He is indulged at home and lacks intelligent and decisive supervision, due to his parents' anxiety about him, their inability to plan constructively for his needs, and a fear that he will leave home and fall in with evil associates.

b. *Causal Factors*

James is of dull, normal intelligence, (see psychologist's report). His tastes are mechanical and for active out-door work, rather than for intellectual pursuits or a sedentary life. Receiving no encouragement nor understanding in this regard, bewildered, he has thought that as an office worker, a white collar man, he could gain recognition and social standing. Lack of intelligent vocational guidance has thus been an important element in the development of his delinquency ideation.

His family "hope for the best" but in reality expect little from James, and he is aware of this attitude. He appears sullen and resentful and masks his sense of futility under a cloak of bravado.

His recreational facilities are limited to cheap commercial amusements and the social gatherings of a group which includes some disreputable and lawless individuals.

He has recently been indifferent in his church attendance and thus deprived himself of religious influence and incurred the displeasure of his family, which increased his sense of isolation.

He has never had a savings account, and this means for strengthening his appreciation of the property rights of others has never been a factor in his life.

He has developed a certain hopelessness and fatalism in the three years that have elapsed since he left school because of his stagnation, mentally, morally, physically, economically, and socially.

c. *Plan of Treatment*

James will report to the probation officer each week. His home will be visited at least twice a month, and after he secures employment his place of employment will be visited monthly or oftener if necessary. By discipline, re-education, and example, efforts will be made to strengthen his self-control and to bring about regularity and order in his mental life and in his habits and conduct.

The report of the detention prison psychiatrist described James as normal, rather dull mentally, negative neurologically, rather suggestible, but fairly well-balanced emotionally. The more intensive psychological, psychiatric, and physical examination at the clinic indicated the need for close supervision and placement where he could learn a simple trade.

The plan for his industrial and economic advancement provides that for the present he shall be permitted to seek for employment, unaided, in accordance with his preferences. In view of his lack of equipment for office work, it is obvious he cannot succeed in that field. After a period of gaining experience through trial and error, he will be more ready to accept the probation officer's offer of advice and assistance.

He will then be encouraged to work at a vigorous out-of-doors job that will build his muscles and stimulate his latent energy. He will be entered in a class in automobile driving and elementary repair work. After a few months he will be aided to obtain a chauffeur's license. Employment in his brother-in-law's automobile repair shop and an opportunity to learn the business will be open to him if he evidences a desire to make good. His brother-in-law's earnings average $60. to $70. a week, and James can hope to earn this amount within a few years.

Necessary dental treatment will be arranged for. His strength and health will be built up by systematic exercise and proper diet. He will be given instruction in biology and hygiene. Constructive cooperation with other agencies will be affected and membership in a young men's club secured. The friendly contact with his parish priest will be developed. Regular Church attendance and observance of the Sacraments will be encouraged. A budget of expenses will be drafted and systematic savings begun.

The cooperation with the family will be maintained. James' limitations and capacities will be further discussed, and the moral support of his parents and sisters will be secured to the end that he may find in his home a refuge from the difficulties of life, understanding of his aims and plans, and an inspiration to do better things.

Continued study of James' personality and environment will be made to the end of gaining greater insight and leading him to a realization of himself as he is. Finer objectives and new visions and goals will be held out to him. His skill and strength of character will be developed, and adequate and stimulating social relationships will be established. His wishes will be determined and guided into constructive channels.

Every step in the process of adjustment will be taken with the end in view of securing James' permanent adjustment within himself and within the community. The plan of ad-

justment will be developed in cooperation with the probationer, and he must approve and accept it as his own before it is put into practice. Otherwise he will reject the plan when the supervision of the Bureau is removed. The plan will be modified from time to time as the need arises.

## B. *ACCEPTANCE OF PLAN BY PROBATIONER*

### *Gaining Confidence and Respect*

James had an indifference, amounting almost to prejudice, toward law and order and its representatives. To him the probation officer represented law and order. *Ipso facto,* James believed in not letting him know too much of his plans. Courtesy and civility were expedient. But friendship and regard were not ideas associated in his mind with a probation officer.

During the weeks that followed, James' interests were sounded. He was led into many conversations on sports and current events and matters of opinion, wherein he became almost enthusiastic, in contrast to his earlier phlegmatic unresponsiveness. Gradually he forgot the officer, in his better knowledge of the man. He began to draw on the probation officer's larger knowledge and greater experience, and his confidence in and respect for him slowly became established.

### *Arousing Admiration*

James began to turn to his probation officer as to an authority who knew or could find out everything, as a friend who always could be depended on, and as a "square guy" who kept his promises absolutely and was truthful. He admired him, too, because he represented nearly everything that James had more or less consciously desired to be. He was considerably taller than James, his physical development bespoke his athletic prowess, his friendly, interested manner of talking won friends readily. He became a hero to his youthful client, who began to imitate him in many ways.

*Realization of Problems and Motives by Probationer*

James' frequent reports provided the probation officer with opportunities for gaining increased knowledge of his character and disposition. Through instruction in morality and in his relation to society, James began to consider himself and to see himself as he was. He saw himself as a problem and ceased to feel that most of the world, except himself, was out of step. He came to a realization of the motives, tendencies, and impulses that he must control and overcome if he were to become attuned to the desirable aspects of his environment, resist the undesirable elements, and live in harmony with the community.

*Removal of Anti-Social Attitude*

At first James was constrained by motives of expediency to follow suggestions that he avoid his former associates and accustomed habits. Subjectively, his anti-social attitude persisted longer. His indifference, sullenness, and feeling of isolation were deeply ingrained. His disregard of good community standards was based on the unethical beliefs of his earlier associates.

Time and skill were required to bring about a change in James' mental beliefs. A growing regard for the probation officer helped his progress. New activities and the probation officer's revelations of new goals and his interpretations of life eventually brought a new outlook into existence.

*New Visions and Goals*

False ideas and mental vacuity were replaced by sound concepts of life, new visions and goals. First he was educated in the knowledge of finer personal standards and acquainted with the high achievements of others, in individual and social attainment. Then the ideal of himself as a person who possessed the capacity for like attainments and could achieve them was held out. These were more satisfying, more flat-

tering ideas than he had previously held. Here were ways by which he could win the good opinion of his family and himself. At first with reservations and eventually whole-heartedly James entered with a new spirit into plans for his spiritual growth.

Under direction, he was re-educated in the fundamentals of ethics. He was gradually brought to a new viewpoint, and his self-sufficiency was penetrated.

*Transference of Objectives*

A transference of objectives was achieved by leading James to constructively sublimate his energies and change his negative, destructive, and indifferent outlook to a positive, constructive, and interested attitude. By encouragement, patience, and good example the probation officer was bringing James into line with the social thought and feeling of the community. In the light of James' increased knowledge and experience, the older and criminal characters, whom he had considered the heroes of the neighborhood, no longer appeared attractive. The probation officer's presentation and interpretation of the activities of burglars and bandits revealed them to James from the standpoint of the law-abiding citizen, and he began to see them as they appeared when divested of the glamour with which he had previously invested them. The antisocial, quasi-criminal element could never again hold James so completely in the grip of its influences and activities. The probation officer was gaining the position of wise philosopher, guide, and friend. James had absorbed his beliefs, his inner life had been modified thereby, and he was getting ready spiritually to put these beliefs into practice.

He still felt, however, that he was in a strange field of thought. It would take time to become familiar and on easy terms with the ideas he had accepted. He must get rid of his self-consciousness, of the fear that his new mode of behavior would be commented on by his family or jeered at by scoffers. He had adopted the concepts of the probation

officer whom he admired and believed in. His own experience would have to prove whether they would be generally accepted by his associates.

*Trial and Error Permitted*

For several weeks at the outset of his probation period, James insisted on finding his own job. He claimed that he did not require or desire any help from the probation officer. He repeatedly reported that he expected to obtain various positions. Some of these he had learned of through friends, others he had seen advertised in the newspapers. Tentative promises of future employment had been received from the personnel managers of some establishments where he had applied. However, the promised jobs failed to materialize. He had filed applications with several concerns. In one he had been given a physical examination, which he passed, and was placed on the waiting list. He had "shenangoed" on the docks for a few days, but his height and weight were not great enough to bring his services into much demand as a dock laborer. His mother had become impatient with his failures although she believed that he was making a conscientious effort to secure work.

James joined a social club in the neighborhood which he admitted included some boys whose habits did not coincide with his new born ideas of what constituted desirable habits. He said he had to join, that the fellows kept after him, but that he did not go to the club often. But he would not admit the comparatively greater advantages of the Church club, suggested by the probation officer.

He also postponed entering the automobile mechanics class on various pretexts. The summer nights were too warm for study, and he wanted to have steady employment first, so he could meet the tuition expense himself. He had occasional lapses in regard to his appearance and was not uniformly neat and well groomed.

James had to learn by his own experiences, and sometimes

from his own mistakes, to make his choices wisely. Always the process was one of slow, natural growth.

*Acceptance of Plan by Probationer*

It was important that James' days should be filled with productive labor, alike for its psychological effect, physical benefit, and that he might be self-supporting. After many talks the probation officer brought him to see how unfitted he was for office work and that there could be no future in that field for one of his limited academic education, especially in view of his dislike for school work and his reluctance to pursue his studies further. His stubborn determination to accept only a clerical position was further weakened by the complaints of his family in regard to his idleness and the embarrassment of being confined to a very limited allowance. He became willing to work at anything available.

At this time an auto mechanics class was decided upon, and with new interest and energy, James applied for admission. Whole-heartedly, he accepted the plan, once the entering wedge had been effected. He also joined the Church club, after a talk with its president. The persuasions of his Pastor and the probation officer, combined with his desire to please his mother and to live up to the standard he had adopted for himself, led him to take a pledge to refrain from using intoxicating liquors. His dress and manner also improved.

Through trial and error James had arrived at a willingness to consider and accept plans other than those he had initiated. The advantages of various forms of employment were talked over. The physical benefits accruing from outdoor activities and the relatively high wages paid by construction companies or subway builders made positions offered by these concerns seem more attractive in the light of his own recent failures, his greater knowledge of working conditions, his desire to contribute to the maintenance of the household, and his need for spending money. The opportunity to save, to repay the debts

his parents had incurred in his behalf, also was an important consideration with him.

Before James could be placed in this type of position, which seemed to offer so much and to supply so many of his needs, his mother's objections must be overcome. She had half-heartedly promised her aid, but her leniency and coddling had done much to develop James' indifference toward manual labor. He had been assured of the comforts of home whether he worked or not. However, the appeal of the probation officer's arguments and James' own unsatisfactory experience in vainly seeking employment combined to produce a change of attitude in her. His mother's approval secured, with new enthusiasm he set out to obtain work as a subway excavator.

## Part III

## The Process of Adjustment
## (*Continued*)

### A. *SOCIAL ADJUSTMENT*

#### *Development of Social Relationships*

*Right Job*

James secured the job. He worked in the open from eight a.m. to five p.m. assisting skilled workers. The position proved quite satisfactory; the association with industrious fellow-workers was wholesome. The probation officer enlisted the interest and cooperation of the foreman who was pleased with James' energy and dependability. He reported for work regularly, was always sober, and his associates were among the more desirable of his fellow-workers. The probation officer maintained cooperation with his foreman by means of frequent visits, at least monthly, and was thus kept informed regarding James' progress.

*Financial Independence: Budgeting and Thrift*

His weekly wage in his new position was $28. and his usual earnings, including overtime, aggregated $32.50. With James' new financial independence (he was earning exactly twice as much as he had ever earned in his life) came an appreciation of family responsibility and a thought of himself as a responsible economic unit.

With the probation officer's assistance he drafted a budget which provided for establishing and regularly adding to a savings account and for generous contributions to the support of the household. New clothes were bought, and he commenced repaying the money he owed his parents. He contributed regularly to church collections, and in the ensuing weeks, he took out a small insurance policy and was able to pay dues and other expenses incidental to engaging in organized recreation. His developing social attitude and the wise direction of the probation officer prevented him from indulging in the extravagances and frivolous expenditures which would so readily have depleted the wages which, by careful planning, were adequate to cover all his expenses and leave a margin.

*Family Adjustment*

The probation officer had become a familiar and welcome visitor in the home. Many opportunities for understanding the family viewpoint and explaining James to his previously bewildered father, despairing mother, and impatient, resentful sisters had arisen. They readily conceded the futility of reproaching and labelling as a failure the son and brother whom they loved. Their fear that he would go the way of many of the neighbor's boys made them suspicious, doubting, and sharp of tongue.

James' efforts were shown to them. That his need of help and encouragement at this time was greater than during his period of detention and that their cooperation was essential

to his progress was made apparent. However, their rational acceptance of this viewpoint and their intelligent appreciation of James' circumstances considerably preceded their ability to govern the expression of their attitude so as to manifest the kindliness, faith, and encouragement which he needed to receive.

The family began to display a new regard and consideration for the son and brother of whom they had been fond but a little ashamed and whom they had previously considered a liability and a burden. Gradually his restoration to a proper social status was recognized, and he now became a real partner in the family plans, difficulties, and achievements.

This deference and the appreciation of his opinion and efforts was flattering and stimulating. He had become a family asset. He began to hold his head higher; he became more alert and confident.

*Constructive Recreation*

The probation officer, whose survey of his territory had familiarized him with its recreational resources, acquainted James with the advantages and opportunities offered by the clubs of the neighborhood. The type of association, the completeness of equipment, the athletic direction, the prowess in sports of its members, its accessibility, its approval by his family, and his desire to improve his social status led James to become a member of the social and athletic club under the auspices of his Church. The club provided a gymnasium and billiard rooms and sponsored occasional boxing bouts, dances, and smokers, furnishing a full and wholesome program of recreation. James was enthusiastic in his attendance at the gymnasium. He lifted weights and ran and boxed in company with youths of good character. He was a quiet but interested attendant at all meetings. When he began to attend the dances, he could be found in the smoking room or in a corner with other non-dancing youths. He was hesitant about dis-

playing his limited accomplishments as a dancer. With the encouragement of the girls, who thought it a regrettable waste that such a presentable young man could not dance, he became in the course of several evenings sufficiently proficient to move about the floor without embarrassment.

*Restoration of Social Status*

By reason of the better adjustment within himself, James was accepted naturally at his place of employment and in his other social contacts. Guided by the counsel of the probation officer, his family began to exhibit a new confidence in the boy, and this was most helpful. Neighbors and even the police noted that he was steadily employed and absent from his old haunts. But it was at his new places of recreation that he was most favorably received and accepted without any reference to his previous history or conduct.

All of this had a very stimulating effect upon James. His re-directed energies, formerly absorbed in channels subversive of good conduct and right living, now found satisfying expression in physical activity, reading, and in his adequate and stimulating social relationships. The need of the speak-easy and the corner gang had been removed.

## B. *PERSONALITY DEVELOPMENT*

*Holding Up Ideal of Self*

From the beginning the probation officer had held up to James an ideal of himself which appealed to his nature and awakened a growing response. He had been shown an ideal capable of realization. His finer personality traits, his only partly developed capacities, his self-control, ambition and inhibitions, the sublimation of poorly directed expression—these were new forces, new tools with which to gain that strength and power which he had subconsciously desired for a long time.

*Physical Rehabilitation*

After he was placed on probation and before he cooperated in plans for his rehabilitation, James had spent considerable time in idling, with resultant irregularity in eating and sleeping and diminution of his strength and energy. He was lazy and sluggish in body as well as in mind. The labor of his employment in the open and the play activities of the gymnasium now began to manifest themselves in the improved tone of his muscles, the clearness of his eyes, his more alert manner, increased vitality, and virile personality.

He had no physical disabilities, as shown by the clinic examination and confirmed by the examining physician for the insurance company and the examination at the club gymnasium. His carious teeth required attention. The probation officer accompanied him to a good dentist who made a thorough examination and indicated cavities on a chart. Arrangements were made for weekly appointments and regular payments. The dental work, extending over several weeks, cost $67.00, all of which James paid for without neglecting his other obligations.

*Character Building*

The frequent and continued contacts with James offered the probation officer ample opportunity to study him in relation to his character weaknesses and strengths and to carry out a plan of constructive development based on this knowledge. The underlying causations of his former intemperance, his indolence, and evasiveness were brought to light. The demoralizing influence of friends who were loose-lived, abandoned, and disorderly in their habits was evident. The most important phase of his personality development was the upbuilding of his character, and to this end the probation officer directed his efforts.

He taught James to see in retrospect how he had been swayed by asocial suggestions. He dwelt upon James' wish

for response and his desire for recognition. He showed him how he would fail to achieve the friendship of worth-while people, the standing with his friends, and the economic goal that he sought if he did not build up within himself a strong character.

His anti-social behavior tendencies, his disorderly conduct, had been the expression of cravings for new experience combined with a lack of knowledge of wholesome channels in which he might satisfy his desires. Consequently, his energies were recanalized, and he grew in strength, morally and physically, and in poise through following a well-balanced program of athletics, club work, job, and vocational education, according to the plan he had accepted.

James' desire for response, which had manifested itself through association with neighborhood ne'er-do-wells, was met by better adjustments at home and the wholesome companionship of his co-workers and fellow club members.

The wish for recognition, the desire to dramatize himself, displayed so conspicuously in the commission of the instant offense, was transformed into seeking acclaim for his good conduct, thrift, industry, and participation in club or Church activities.

The probation officer held up before James high ideals of ethical conduct in all his relations with home, work, play, and associates. His renewed religious practices gave added force to these ideals. James absorbed them until they constituted the underlying basis and the motivating impulse of his moral concepts and codes of behavior.

The probation officer was afforded excellent opportunities to enter into a sympathetic and invigorating relationship with James on the occasions of his weekly reports at the Bureau. Here was the privacy which could not be attained in James' home or at his place of employment. Here were discussed the intimate problems which were perplexing him. During these conversations, the probation officer obtained an understanding insight into James' character because he had, early in the

course of their contacts, gained his full confidence and respect. He was able, by means of advice and exhortation, to influence deeply James' beliefs, attitudes, and conduct. The sympathy and understanding and guidance of the probation officer were a great factor in James' progress.

*Vocational Education*

The school year was well advanced when James was placed on probation. It was coming to a close when he arrived at that feeling of respect and admiration for his probation officer and confidence in his guidance which brought ready acquiescence to his suggestions. James' association of ideas with regular educational forces carried unpleasant memories; he had not liked school nor did he desire to be a part of further activities in a connection which would bring a feeling of inferiority and which he was convinced would teach him nothing. For these reasons it did not seem desirable to over-persuade him to resume his interrupted elementary school education by attendance at evening academic schools. The opportunities provided by the club, the daily news, and the course of reading which he had been persuaded to undertake by the probation officer were expected to supply his academic educational deficiencies as far as possible.

He was willing, however, to enroll in a class where he received instruction in automobile driving and in elementary repair work. Several months later he passed the road test successfully and secured a chauffeur's license. The plan for his industrial career outlined in the case analysis was a goal toward which he steadily aimed and slowly progressed.

*New Resources and Outlets*

James' youthful energies were now finding expression in satisfying activities. The impulsion to succeed and the desire for response and recognition were gratified as he increased in skill at work, in gymnasium, and in dancing, and met the approval of his family and the acclaim of his friends. He

could drive an automobile and make some repairs. In the course of his mechanical training, he had gained knowledge which he was able to apply to the family radio when it got out of order. His increasing popularity in the club culminated in his election as assistant secretary—an honor which afforded him much pleasure. Life had become very full for James, and his bewilderment and lack of direction were memories of the past.

*Regaining Self-Respect*

The probation officer helped James in self-interpretation. Through his guidance James saw that it was the qualities and resources within him which were bringing social esteem. He gained a new self-respect and appreciation of himself.

*Social Consciousness*

His consciousness of his place in the community expressed itself by his complete cooperation with the activities of his various sources of contact, his home, club, Church, and job, into which he entered fully, where formerly he was at, and not of, the gathering.

He had developed a sense of oneness with his family. Their aims were his aims. The feeling of kinship with his own world—with fellow club members, co-workers, neighbors, the probation officer, and even the once avoided police officer—had become an impelling force in the development of considerate and altruistic conduct and made James' future as a law-abiding citizen reasonably predictable.

*Appearance and Manner*

Under the impulsion of his new associates and his sense of what was fitting according to his new conception of himself, James began to wear better clothes and to take pride in his appearance. In contrast to many of the youths of his neighborhood, James, encouraged by the probation officer, did not scorn to wear a collar and tie on occasions, and his shoes were

invariably well polished. The memory of a $67.00 dental bill, which he had paid out of his own savings, combined with the effect of the probation officer's example and the information which he received through pamphlets on personal hygiene, led James to an improved care of his teeth. The training at the gymnasium had improved his gait and posture. Proper diet and bathing gave him an air of cleanliness and freshness.

He developed a consciousness of the appearance of his hands and came to an appreciation of the fact that clean hands and nails were not nearly as much in the way as hands which needed attention.

His manner of withdrawing from participation in what was going on, his sulky reticence, and doggedness were no longer in evidence. They had been replaced by an affability and confidence that quite changed the attitude of others toward him.

*Religious Development*

The probation officer maintained cooperation with James' Pastor and the Church visitor by visiting them at intervals. The Pastor and visitor knew the family but had become discouraged in regard to James because of his apparent indifference toward religion. Encouraged by the successes of the probation officer, new efforts to revivify James' interest were undertaken. He was visited and invited to call on the Pastor and the visitor. His religious indifference was discussed, and, as a result, he resumed regular Church attendance.

Throughout the efforts to develop James spiritually, the emphasis was on the positive rather than the negative side, on virtues and not on vices. He was encouraged to renewed efforts on a high plane of morality. James' dormant religious spirit became re-energized, and his behavior and point of view were unconsciously modified in every phase of his life.

His earlier feeling of isolation from the things of religion was removed. He kept the pledge that he had taken to abstain from intoxicants. He became a regular communicant

and showed increased interest in Church matters. He was reinforced by the spirit of religion which influenced his conduct seven days a week.

*Outlook for Future*

The outlook for James' future is apparently a favorable one. Although he needs close and continued supervision for a few years, there are no irremediable deficiencies which preclude the possibility of his carrying on without continued supervision. The effort is being made to develop within him such strength of character, such a sense of the security of his position in the community, and such a belief in his own integrity that he will not readily turn to paths of evil but will be held to high standards of conduct.

Through his development of self-control, his improved physical condition and healthier mental outlook, vocational equipment, broadened horizon, bettered employment, new prestige and standing with his family and friends, his industry, wholesome recreational contacts, strengthened religious affiliations, economic security, and an appreciation of what he may become, he has been led away from his position of uncertainty into safe channels of social and personality adjustment which give every promise of permanency.

# CHAPTER X

# THE INDIVIDUAL DELINQUENT

Masses indeed: and yet, singular to say, if, with an effort of imagination, thou follow them . . . into their hovels, into their garrets and hutches, the masses consist all of units. Every unit of whom has his own heart and sorrows; stands covered there with his own skin, and if you prick him he will bleed.[44]

No general theories concerning the causation of crime, no systems of penal philosophy, not even the best intentions in the world, can take the place of a thorough knowledge and understanding of the individual case. This is precisely where our whole penal system is at present most defective. Moreover, the defect is one that can be remedied without serious difficulty in the present state of development of modern science, medical and psychological, but little opportunity is afforded. The first and essential step toward the further reform of our penal system lies in affording this opportunity.

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[44] Thomas Carlyle: *French Revolution, Collected Works,* Vol. III, Page 261.
James Drever: *Address at Oxford,* August, 1926.

## CHAPTER X

## THE INDIVIDUAL DELINQUENT

No more graphic illustration of the truth expressed by Joseph Conrad concerning the "infinite isolation of one human soul from another" can be found than in a survey of the lives of the various offenders whose cases were investigated by the Bureau. Representative of the cosmopolitan jurisdiction of the Court of General Sessions, and differing in race, personality and social condition, each afforded conclusive confirmation of the fact that crime is essentially a problem of the individual and that no two delinquents present the same difficulties.

The better to acquaint the reader with the scope and variety of the crime problem, a group of illustrative cases has been selected. No attempt, however, has been made to detail the diagnostic and social case work methods used. The experienced case worker will draw from each problem its sociological significance, and from a perusal of the whole, the average reader will readily gain a kaleidoscopic view of crime, the criminal, and the work of probation. In the presentations the anecdotal rather than the social case method or scientific form has been followed.

These selected studies are presented in as few words as may be used to portray the individuality of the criminal problem. In these delineations, emphasis has been centered on the salient features of the particular case and the spirit in which they have been written is more explanatory than critical.

In the consideration of these problems it should be remembered that the offenders had all been indicted for felonies, that

is, for serious public offenses which may be punished by confinement in a State Prison. Also, they had been arraigned in the highest criminal court of New York County, the Court of General Sessions. From a legal point of view at least, they represent not the minor, but the major problems of crime.

In some circles of thought today there is a tendency to give but little individual consideration to those adults who commit what are termed serious crimes. It is hoped therefore, that an examination of these cases will indicate the infinite variations in the lives of even these delinquents, in the circumstances of their offenses, and in the motivations of their conduct, and that it will disclose also the imperative need of individualized knowledge and understanding in their disposition.

*An Evil Environment*

This case shows the genesis of crime in the life of an offender who had become a confirmed criminal. The criminality of Peter J., grew and developed in the destructive conditions that were present in his early life, and especially under the influence of the evil associates of his formative years.

> Peter had had six court appearances prior to his present conviction for robberies, wherein, in company with armed confederates, he had robbed three jewelers and had stolen gems valued at $205,000.00.
>
> Investigation showed that Peter was one of seven children. His home had always been impoverished and overcrowded, and was situated in a congested neighborhood. His life was featured by a dull mentality, lack of religious or vocational training, inadequate parental supervision and association with criminal characters.
>
> As incorrigible, Peter was committed, at the age of twelve, to a juvenile reformatory. Three siblings next younger than himself also became delinquents. After the death of his father he left school in the seventh grade, at the age of fifteen, in order to ease the burdens of his mother, who worked at garment finishing in a two room tenement which served as the home for eight people.

However, except for a few months after he left school, Peter had never engaged in legitimate employment, but through the medium of idleness and evil associates he embraced a career of crime. He frequented the haunts of bootleggers, drug addicts, prostitutes and thieves and engaged in numerous robberies. In this instance, at the age of *26,* he received a long prison term.

In the neighborhood in which Peter lived, large families living in two room tenements under similar conditions were prevalent, but the greater percentage of these people never come into conflict with the law. His expressions of energy were diverted into unwholesome channels by the influence of unfavorable constitutional and environmental factors. Driven by these circumstances to seek his companions on the street corners, his progressive criminal development resulted.

*A Family of Delinquents*

In the B. family, lack of adequate parental supervision and control, and congested and unsanitary living conditions, were factors in the lives of three brothers who became delinquent.

The parents were life-long residents of a congested neighborhood of the city. Their home, situated in a dark, ancient, and malodorous tenement, consisted of five dingy and untidy rooms. At the time the family first came to the attention of the Bureau, there were eleven children, ranging in ages from nine months to nineteen years. The father, a victim of tuberculosis, had been unable to work for eight years, and the family subsisted meagerly upon the irregular earnings of the three eldest boys and the aid of social agencies.

The mother, delicate in health and burdened with the care of her younger children, could devote little attention to her older sons, who had developed into vigorous and active youths, ambitious to be pointed out as leaders among their disorderly and criminal associates.

Bruce, age *19,* the eldest, had a record of six appearances before the Children's Court on charges of Burglary, Disorderly Conduct, and Grand Larceny. First delinquent at the age of *10,* he was subsequently committed

on three occasions to a juvenile reformatory, and four times he appeared before the Magistrates' Court, there, being twice convicted on minor charges and twice discharged. Thinking to participate in what his intimates regarded as a practical joke, he stole an automobile to take a "joy-ride." Arrested and charged with Larceny, he was ultimately sentenced to the State Reformatory.

Five months later, Dennis, age *18*, the second son, perpetrated a similar act. His previous record included two arraignments in the Children's Court on charges of Burglary, when he was *13* years old. On the second charge he was committed to a juvenile reformatory, and on parole his behavior had been unsatisfactory. He, too, was sentenced to the State Reformatory.

The third son, John, age 16, had been before the Children's Court on a charge of Petit Larceny at the age of *14*. He had become intimate with a particularly vicious character who induced him to participate in a robbery. Subsequently he was committed to the institution wherein his brothers were already receiving discipline and training in the hope of fitting them to overcome early unfavorable circumstances.

In the case of the B's, we see a vicious combination of environmental influences, contributing to the malformation of the characters of three brothers, all under twenty years of age. Of course, it is important to remember that there existed in these youths, too, well-defined, mental and emotional qualities that induced them to sanction their own misconduct.

*Character Conquers Environment*

In the family of Andrew J., we have a striking illustration of the triumph of well developed and wholesome character over the combined forces of unfavorable home conditions and detrimental neighborhood influences.

Andrew J., *18* years of age, appeared before the Court as a first offender charged with aiding several neighborhood youths in the theft of an automobile for purposes of "joy riding." This was Andrew's first offense, and it was quite obvious that the youth was repentant.

An investigation of the family background and early life of Andrew revealed that he was the second eldest of nine children, born of an over-worked mother and a drunken father. They lived meagerly in congested and poorly lighted rooms and had often been deprived of sufficient clothing and proper nourishment. The crowded streets near the water front constituted their playground and in the neighborhood they were exposed to the most vicious influences that commonly contribute to character malformation. Only in their parochial school life did they receive a suggestion of guidance, yet to this training they responded readily and fruitfully.

The defendant, as well as his brothers and sisters, was dutiful in his family life. Notwithstanding the comparative lack of parental care, the children lived well-ordered, industrious lives which had won them the esteem of their neighbors, employers and friends.

Andrew's delinquency, in the light of the revelations of the study made, was seen to be an incidental offense, entered into while in company with youths who had been rendered boisterous and heedless in their excitement over a victory by their baseball team.

Andrew was placed on probation. The case analysis noted the problems of a hard drinking father, a prematurely worn mother, and children lacking wise direction, care, and vocational guidance.

The plan of treatment in this family was a matter of wise charting of a program, rather than discipline and intensive supervision.

The father's habits were treated by means of clinical examinations. Change of employment and improved diet built him up physically, so that as time went on his alcoholic debauches became fewer in number and less violent in character.

With the improved employment opportunities that were secured for the working members of the family, the mother was enabled to secure assistance in the heavy work of the household. A few other luxuries in the way of modern household appliances were obtained which began to make life seem less of an ordeal for her and afforded her more leisure with her family.

As we draw near the conclusion of the second year of

Andrew's three year probation period, we are encouraged to observe the continued upward climbing of this family group.

The environmental conditions revealed in the study of this family almost parallel those prevailing in the B. delinquent family group discussed previously, where a vicious environment appeared to have caused the breaking down of the resistance to evil of three members of the family. In this problem, however, notwithstanding home and neighborhood conditions which were not conducive to their best welfare, the siblings of the family demonstrated that they, in common with myriads of others, could, by native strength of character, overcome apparently destructive influences.

*He Knew Better*

A forceful personality, high intelligence, and a genius for exploiting his scientific knowledge of human nature, characterized a clever criminal in the realm of finance.

Charles T. had a normal boyhood and youth. He was a University graduate with an advanced degree in psychology, who had consecutively been a superintendent of education and a professor of psychology and biology in three universities in this country. He had married and had a family of three children. An omnivorous reader, with a remarkable memory, the first indication of a lack of integrity came during the years when he had acquired a reputation for consistently misquoting and editing authors' statements.

When offered a position in the advertising department of a large eastern city "bucket-shop" which had heard of Charles T.'s fluency in writing and talking, he resigned his teaching position and started in business. The more colorful and cleverly exaggerated his statements to prospective customers were, the better he was paid. He consciously abandoned all ethical standards and became a prolific producer of misleading stock booklets.

Having secured a thorough knowledge of "bucket-shops" under an unexcelled tutelage, he founded, with a

partner a similar business that grew rapidly, a great superficial structure with no sound foundation. And then came the denouement. The defendant disappeared, the firm went into voluntary bankruptcy, and a deficit of over $1,000,000.00 was found upon examination of the books. Disaster was widespread, most of the investments having been made by poor people from their life's savings. The tremendous profits had been squandered in stock speculations, in outrageous salaries for confidential employees, and in riotous living. He had abandoned his wife and three children.

The probation officer who interviewed Charles T. in the Tombs considered the intellectual and professional distinction he had attained and the evil practices he had engaged in. He spoke of this to T., who groaned wearedly, and with his face buried in his hands as he tried to shut out the image of what he might have been, he said, "I knew better; I knew better." Avarice, consciousness of his own cleverness, and belief in his ability to escape detection were factors in his choice of a criminal career. He received a prison sentence.

Educated men who deliberately chose an unlawful method of livelihood were rarely met in the defendants before the Court. Charles T. pondered too long on his ability and his compensation, which he deemed inadequate compared with the large profits made by less intellectual men in other fields. His criminal conduct was wilful and sanctioned by a trained intelligence and moral understanding.

*A Delinquent Girl*

The case of Marie epitomizes social wastage in which immoral and deserting parents, inadequate supervision, an uncontrolled development of delinquent tendencies, and association with licentious persons were the leading factors:

At the age of *16,* Marie was before the Court on the complaint of her aunt that she had stolen a diamond ring and a purse of money; it was her fourth court appearance and resulted in her second institutional commitment.

Marie and her younger brother had been abandoned by their parents when she was three years old. Both parents were heavy drinkers and immoral. During fourteen years they had contributed only $25 to the support of the children, who were reared by an aged and impoverished step-grandmother. The grandmother's kindly efforts were handicapped by the scanty earnings of her lazy husband, the necessity for working herself as a janitress, and her dependence upon the bounty of social agencies.

From an early age, Marie was unmanageable at home and insubordinate at school. She was of average mentality and reached the sixth grade in public school. Her school career was interrupted by her arraignment as a juvenile delinquent at the age of thirteen. She had been immoral for a considerable period. Charged with incorrigibility, she was committed to a juvenile reformatory, where she remained for a year.

Upon her release, she reverted immediately to her former evil habits, and to escape the parole authorities, she absconded to another jurisdiction.

Thereafter she lived at the home of an aunt, who in conversation, was profane and obscene, and in her habits of life, immoral. The aunt, by bad example and encouragement, further stimulated Marie to dissolute behavior and irresponsibility. A quarrel between them terminated their intimacy.

Marie subsequently alternated intermittent employment as a waitress and telephone operator with periods of living with various men in furnished rooms in this city, and at nearby beaches. An arrest for disorderly conduct followed. Her third arrest was the result of a drunken party, and the robbery of one of the male members. In both of these instances, she was discharged.

In the present instance, Marie was sentenced to the State Reformatory.

The question, as to the responsibility of the community for Marie's progressive deterioration comes to mind. Her parents failed her, the school was inadequate, her contact with the Church almost nil, the efforts of social agencies and her step-grandmother's supervision were ineffectual. Society now as-

sumes the support of a girl whose outlook for the future is unpromising, but whose reclamation might perhaps have been effected if undertaken five years earlier.

*Detection of a Recidivist*

Preliminary investigations by probation officers of the history, character and circumstances of defendants are of great service in determining whether defendants should be placed on probation or should be dealt with otherwise. Such investigations may show on the one hand that defendants apparently of previous good repute and seemingly entitled to clemency, are vicious and undeserving, and on the other hand, that other defendants whose appearance is at first unfavorable, are deserving of leniency and help.

Persistent investigation not only revealed the falsity of the statements of the defendant herein, but established his true identity, which he desired to conceal because of his long criminal record, and because he was wanted by the authorities on other indictments, and as a parole violator.

> George L., age *22*, upon his arrest for Larceny, had given as his own, the name of his brother, a law-abiding citizen of another city. He also supplied to the investigation officer all of the facts of the brother's life, and provided the names of reputable persons, friends of his brother, who would testify to his exemplary character.
>
> Because his brother was known to be in New York at the time, no suspicions were aroused by the replies received to inquiries regarding him.
>
> The probation officer, however, could not reconcile the personality of the suave, superficial defendant with the person described by his alleged teachers, employers, and friends. The defendant, moreover, appeared older than *19* years, the age of his brother.
>
> Dissatisfied with the results achieved, at the request of the Probation Bureau, an adjournment of the date of sentence was secured, and a further investigation entirely independent of the defendant was undertaken.
>
> His fingerprint classification was telegraphed to the

national and state bureaus of criminal identification, and to the chiefs of police of the principal cities in the United States. To cities using other than the Henry System of classification, photographs of the fingerprints were mailed.

The defendant's real identity and his long criminal record were speedily disclosed. He had served prison sentences aggregating 26 months. He was first a juvenile delinquent at the age of *13*, and subsequently he had been a naval deserter, a robber, an embezzler of government funds, an absconder from parole and a fugitive from justice. There was also an indictment for Burglary outstanding against him.

Presented in his true character, a recidivist, he was sentenced to the Penitentiary, and upon his discharge, he will be held to answer to the indictment for Burglary and Violation of Parole.

The successful conclusion of a difficult investigation was made possible in this, as in many other cases investigated by the Bureau, because of an adequate, well-qualified staff, who intelligently utilized the unlimited resources of money and cooperation which were available. The investigators were held to high standards of accuracy, fairness and completeness, and their efforts brought concrete results in very many instances.

In the case of George L., a social menace was removed from the community and an innocent brother was saved from any complications or embarrassments which might have arisen from the defendant's false statements.

*Freed by Fingerprints*

The case of David S. was one wherein the intensive investigation of the Bureau and the fingerprint classification system resulted in absolving the defendant of the criminal record of his "double" and thus presented him to the Court as a first, rather than as a repeated offender.

David S., age *32*, was arrested for forging credit vouchers of a city department store for sums aggregating

$570.00. He was before the Court for sentence following his plea of guilty to Forgery in the Third Degree.

Investigation revealed that the offender had left his home at the age of eleven, and had since followed the occupations of jockey, soldier of fortune, adventurer, and actor.

David S. freely admitted his offense, which was occasioned by a period of unemployment, whereby his wife and himself were in need. He gave the investigating officer what purported to be a clear account of his previous life, including the names of various cities in this country and Mexico in which he had resided at one time or another.

Following the usual procedure of the Bureau, the defendant's fingerprint classification was telegraphed to the different cities. From a Pacific Coast city came the reply that one John S., of similar but not identical fingerprint classification had been arrested there during the time David claimed residence in that section. John S. had a long criminal record and a fingerprint expert in the western city believed that he was identical with David S.

The investigation officer confronted David with the record from California which he vigorously denied. Although false denials of criminal records were not infrequent in the experience of the investigators, David's protestations had a genuine note and the probation officer requested an adjournment of the date of sentence in order to permit a re-investigation of the matter.

Photographs of David and of his fingerprints were forwarded by air mail to the authorities in the California city, and similar photographs of the offender, John S., were received by the Bureau. Closer examination revealed amazing similarities between David S. and John S. Their height, weight, color of hair and eyes, nativity and age, were very much alike. Their resemblance, if they were two individuals, was amazing.

The only real point of difference distinguishable between the two men, for two men they proved to be, was a slight difference of three points in the last figure of the fingerprint classifications.

The assistance of a fingerprint expert was secured. He determined that John's fingerprint was distinguishable by

a loop type of pattern in contrast to a pocket whorl, which made David's fingerprint distinctive.

The result of these minute processes of search, aided by modern scientific equipment and adequate resources, was David's exoneration of John's record and his release on probation, instead of a prison sentence.

The comment of the presiding Judge at the time of sentence, when he recommended the Bureau's persistence in the pursuance of the facts, summarizes the outstanding features of the investigation: "Modern science has stepped in to save you. In the old days I would have sent you to prison for a long term, so clear was the evidence against you. But now, with the aid of radiograms, the airplane, the long distance telephone, and finally, the microscopic study of your fingertips, it is shown that you are not a criminal."

*Parental Repression*

The dominating attitude of a foreign-born father which tended to submerge his son's initiative, to interfere with his vocational training, and steady employment, and to discourage budding habits of thrift, was the problem in the case of Hugo D. In the probation work with this son of an alien, consideration was given to the racial customs which were involved. The conflict between father and son was an important contributory cause in Hugo's delinquency.

Hugo D., age *16*, with two co-defendants, had burglarized a grocery store and stolen food. He pleaded guilty to Petit Larceny and was placed on probation.

The investigating officer ascertained that Hugo had received good care from his parents during his childhood, but a lack of sympathy and understanding had caused difficulty in his later years. Of average intelligence, Hugo had attained to the first year in high school and subsequently had been employed by his father in the conduct of a fruit stand. Hugo, chafing under the monotony of a life characterized by a lack of liberty and spending money, and by the constant surveillance of a

suspicious and repressive father, had left home in disgust two weeks before the offense.

The earlier experience of social agencies who had to bring Hugo Sr. before the Children's Court because of his refusal to permit an operation to cure a younger crippled son, is indicative of the character of this father. By appealing to the father's self-interest, however, the probation officer was able to secure his cooperation in working out a plan of treatment for Hugo.

The problems confronting the probation officer in this case were the education of Hugo's dictatorial father and acquiescent mother. Also Hugo's energy and ambition required wholesome and satisfying outlets.

Progress was made by bringing his father to see the greater economic and social gains to be made by allowing Hugo to advance himself through the medium of stimulating social relationships and by helping him to realize his ambition to progress beyond the status of a fruit vendor.

Given the long-sought-for opportunities, Hugo was anxious to do all that he could to prove that he deserved his newly-gained liberty of action. Placed in a position in a machine shop with an opportunity to learn the trade, his wages within fourteen months increased from twenty to thirty-five dollars per week. He contributed generously to the support of the family, was allowed adequate spending money, and yet his bank account grew to $219.00. He became a member of a boys' club, faithfully attended Church, and enrolled in evening classes at a technical institute.

The outcome of this case may with a considerable degree of certainty be foreseen. Steady, energetic, visualizing continued economic and social progress, Hugo is on the way to become a helpful, law-abiding member of the community.

The big problem in Hugo's case was the adjustment which occasionally must take place between parents and children of conflicting traditions and ideas. These maladjustments lead sometimes to catastrophes in the family situation. The second generation American, and the foreign-born father often

diverge widely in their thought and conduct. By skilful constructive work and the development of mutual understanding, there was effected in this instance a reconciliation of ideas which not only brought peace of mind and contentment to the father and outlet for growth and social living to the son, but also opened wide the doors of opportunity for the younger children.

*Defective Discipline*

The repressive maternal attitude in the case of Arthur B. was even more devastating in its effects than the domineering paternal attitude observed in the case of Hugo D. In Arthur's case, however, the motivation was very different. Avarice and a desire to rule were foreign to this mother, but her grief over the death of her husband and two children expressed itself in an overwhelming destructive affection and exaggerated protective attitude toward her youngest son.

> Arthur was convicted of Unlawful Entry as a first offender at the age of *17,* and placed on probation. He had entered the open door of an apartment, and had stolen a purse of money while returning from a roof where he had gone seeking a ball. Detected by the complainant, he was arrested and found in possession of the purse of money that he had stolen, and with which he intended to gamble at cards.
>
> The investigation showed that his school progress and attendance had been indifferent. Employment had been according to his pleasure, but his brother, under whose direction he sometimes solicited subscriptions for magazines, paid him his weekly wages unfailingly.
>
> Three older siblings had married and left the home. Two others had died suddenly. The mother's sense of loss and her grief expressed itself in an exaggerated devotion to Arthur, the youngest of eight children. She pampered him as if he were physically weak and mentally and emotionally irresponsible. He acquired a dependence upon his family (whose income was $12,000.00 per annum), not only for his sustenance but for his opinions and knowledge.

He had been in the habit of taking money from his mother's purse from time to time. She condoned these petty thefts, and by her attitude further weakened his appreciation of the property rights of others, so that the moral bridge he had to cross to take the money of a stranger was very easily traversed.

The plan of treatment centered upon gaining the mother's cooperation in developing William's appreciation of the property and personal rights of others and in upbuilding his self-reliance.

The cooperation of the pastor, the family physician and relatives was solicited in an endeavor to change the attitude of the probationer's mother. While she did not object to an expansion of his social relationships, she was oblivious to the opinions of others in regard to her attitude toward him. However, a foothold on the problem was established through Arthur's social relationships.

He was persuaded to join a military organization where he drilled once a week, gained new respect for authority and discipline, and after a short time, went to the organization camp in the mountains for two weeks. This experience more than any other fixed Arthur's desire to express himself other than through his mother. Gradually this desire crystallized and became a barrier which turned aside his mother's pampering treatment and finally induced her to modify it.

Months of effort on the part of the probation officer finally awakened the mother to the danger of her attitude and gradually her cooperation was secured in encouraging and requiring Arthur to live an orderly and consciously self-reliant existence. Two years have now passed and Arthur has developed a positive personality based on a capacity for independent and responsible thinking.

The results of supervision in this case were not merely the remedying of a developing delinquency ideation, but the achievement of the correction of fundamentally erroneous mental attitudes and the building up in the probationer and his family of a new constructive outlook, which is making him a real asset in the community.

*Two Mental Defectives*

The conclusion that criminals differ appreciably from non-criminals in mentality has little basis in fact. The study of the inmates of the prisons of the State of Illinois by Dr. Adler revealed that their average mental age was a little over thirteen years, which was only a few months less than the average mental age of the men in service, as revealed by government tests during the war.

In the following illustration there is presented the case of a defective delinquent who lacked the constructive supervision of a good home, which might have offered him protection from conditions to which he fell a victim.

> Fred J., age *27*, and with a mental age of eight years and four months, was in the present instance arraigned in Court for the sixth time.
>
> He had previously been an inmate of a state school for mental defectives for three years, of various prisons for four years, and more recently, of the Institution for Defective Delinquents for two years. Paroled after this period of custodial care and training, Fred was twice arrested for Burglary. Discharged in the first instance, he was committed to the State Institution for Defective Delinquents for the present offense. His long anti-social record, embracing Vagrancy and Burglary, will result in his detention at this Institution for a long period.
>
> The social history of Fred's family is significant. Both of his parents were immoral and alcoholic, and the home they provided was miserable and squalid. When Fred was six years old, his mother, a mental defective, deserted the family. A year later, because of the dire poverty and neglect in which the children were living, they were committed to institutions by the Department of Public Welfare. One of the children died from the effects of malnutrition and neglect two days after he was placed in the home. Another became a chronic invalid from a cardiac and kidney condition.
>
> Fred's intractable behavior necessitated his transfer from the orphanage to a juvenile reformatory at the age of *13*. Despairing of his response to institutional treat-

ment, Fred was paroled in the care of a farmer when he was *15* years old. He tormented the farm stock and stole money from his employer. Following his return to the reformatory, he was transferred to an institution for the feebleminded.

Subsequent to his release, he lived a disorderly and criminal existence and he will undoubtedly spend the greater part of the remainder of his life in institutions for defectives.

Among the subversive factors noted in this defective delinquent's life are an heredity of alcoholism in both parents, and immorality and mental deficiency in his mother; a developmental history of neglect and malnutrition, and a childhood spent in institutions. The problems of life found Fred poorly equipped to meet them. But that his delinquency cannot be charged to mental defectiveness alone, nor to any of the other predisposing conditions in his life, but rather to his reaction to their combined influence is indicated by a consideration of another mental defective, Leo C.

The psychiatrist's report indicated that Leo was a low grade defective, with a mentality bordering on imbecility. He was considered a committable case, not alone on the score of his very limited intelligence, but because of his industrial instability, his likelihood of becoming dependent upon charity for his support, his suggestibility, and the impression he gave of maladjustment and requiring closer supervision than he would ordinarily be accorded in the community.

In view of his relatively law abiding life, and after a thorough consideration of his character and attitude, it was deemed desirable to give Leo an opportunity in the community under probationary supervision.

Leo pleaded guilty to the larceny of an automobile. The car was returned to the complainant, and Leo was placed on probation.

Little is known of Leo's heredity and family conditions, but from the fact that he was a foundling, abandoned by his unknown parents as an infant, much might

be deduced. Until he was fifteen, all of Leo's life was spent in foundling hospitals and orphanages. His low grade mentality (I. Q. .53) had prevented him from making any considerable academic progress. His conduct was invariably that of a docile, rather sulky youth, who gave occasional indications of poorly controlled temper.

Paroled in the custody of a child guidance agency, he lived thereafter in boarding homes. He maintained fairly steady employment, although remaining only two or three months in each position, and frequently leaving after a temper tantrum. His depressed, apparently sullen manner, his extreme reticence, and unprepossessing facial characteristics, combined to make Leo's life a lonely one, and there was developed in him a consciousness of his inferiority.

Under the supervision of the Bureau, life began to hold a new meaning for the formerly friendless waif. A home in a congenial boys' club, with participation in its athletic and social activities, widened his horizon, and provided wholesome companionship among boys whose dull or average intelligence did not present too striking a contrast to his own limited mental capacity.

The correction of malformed teeth and treatment of a growth in his nose improved Leo's appearance and helped him to develop a degree of confidence in himself. He also regularly conformed to the observances of the Church. Psychological tests revealed his latent penchant for mechanics, and a suitable position enabling him to learn a trade was found.

Leo's new found contentment and his increased opinion of himself were manifested in his appearance, and attitude, in his new friendships, in his industry and perseverance at his work, and in decreasing frequency of his temper tantrums. New spirit seemed to animate him, and eighteen months after he was placed on probation, Leo, in his daily life, was justifying the probation experiment.

A mental defective is constitutionally suggestible. If, in his environment, he finds good example and his associates lead orderly social lives, he will possibly follow the same path.

If, on the other hand, he sees only bad example and vicious practices, he may adopt criminal habits. Lacking then, the inhibitions of his more intelligent fellows, and little deterred by consequences, the defective delinquent sometimes persists in crime until permanently segregated.

*A Probation Violator*

About seven per cent. of the cases placed on probation were subsequently rearrested for other offenses. The new offenses were due to a variety of causes. In some cases the offender's delinquency ideation persisted; in others, untoward environmental circumstances bearing on the offender overcame him before the influences of constructive probation guidance became effective; again, the diagnosis may have been at fault and the treatment inadequate.

In the case of Francis T. many contributory causes combined to impel him to violate the conditions of his probation.

> Francis T., aged *27*, a first offender, appeared before the Court for sentence charged with Forgery. For a period of about six months he had distributed among small shopkeepers in the city about forty worthless checks involving a total sum of $600.00. His plea of guilty to Petit Larceny was accepted and he was placed on probation and ordered to make restitution.
>
> Pre-sentence investigation revealed that the defendant was a child of comfortably established parents and had received a high school education. Until about a year prior to the offense he had been steadily employed as a clerk at a weekly salary of $32. Prior to the past year his life had been a well-ordered one and he had acquired a good reputation.
>
> During this year, however, he had become acquainted with several individuals who were prominent in gambling circles in the city. Their affluence and the luxury which it permitted them to enjoy, engendered in the defendant a dissatisfaction with his own condition. He soon began to gamble and meeting with small successes at first, he

wagered more heavily. Losses followed and in order to meet them he began a series of forgeries.

After he was placed on probation, Francis appeared to be getting along fairly well for the first few months. Certain objective improvements in his condition were obtained. He was placed in a more remunerative position which enabled him to meet his obligations for restitution, contributions to his family and the maintenance of his social position. During this time he had renounced his former undesirable associates and he was apparently concerned once more only with legitimate methods for advancing his welfare.

However, the desire for more money which had motivated him to commit the forgeries had not been entirely eliminated.

He soon expressed his dissatisfaction with his new position and although his income was apparently adequate for his needs and the opportunities for advancement in his employment were encouraging, he seemed restless and discontented.

The supervising officer ascertained that Francis was once more associating with his gambling acquaintances. Efforts to dissuade him from these companionships and attempts to guide him toward more constructive social relationships failed.

Seven months after Francis was placed on probation, he committed another Forgery for which he was indicted and found guilty. He was sentenced to prison.

The probation officer who assumes that a probationer is well adjusted in the community and living an orderly constructive life because he meets the objective requirements of reporting, steady employment, sobriety, and family support, and who optimistically overlooks the dangers of relapses into criminality, obviously will have many failures among his probationers.

The supervision officer in the case of Francis T., however, although aware of the dangers which beset his client, was unable to prevent their culmination in Francis' commission of a new crime. Possibly, with better understanding and better treatment the disaster might have been prevented.

*An Alcoholic*

How an offender who had been accustomed to occasional alcoholic addiction for years responded to treatment, and the methods used to bring about the habits of sobriety, are illustrated in the case of James B.

James B., aged *28,* married, and the father of four children, forged an endorsement to a check for $50.00 that he had found. He cashed it at the family grocery, paying a bill of $22.00 due for groceries. Convicted of Forgery, James was placed on probation and ordered to make restitution. The present instance was his first arrest.

The social diagnosis revealed that James had been addicted to the abuse of liquor for years, and a mental and physical examination disclosed focal infection from abscessed teeth, which had to be removed and replaced by a plate.

Mrs. B. was an indifferent and discouraged housekeeper, and the family suffered from the effects of an untidy home and improperly prepared meals. She needed an operation but was unable to make arrangements to leave her family and go to the hospital. The children were anaemic and querulous. The apartment was poorly lighted and ventilated, the furnishings were meagre and worn; and notwithstanding James' relatively high earning capacity, the accumulation of savings had been impossible because of irregular employment.

The family rarely went to Church; James' intoxication, Mrs. B.'s poor health, and the children's irritability and lack of clothes were offered as excuses.

The plan of treatment embraced every member of the family. Cooperation with a family welfare agency, that had known the family for years, was effected. James was persuaded to visit his Pastor, before whom he took a pledge to abstain from liquor, and his religious interest was revived. Mrs. B. was instructed by a home educator in the buying and preparation of food and in the care of the family. Camp vacations for the older children, an operation and hospital care for Mrs. B., moving the family to a better apartment, the purchase of new furni-

ture, removal of James' teeth and supplying him with a dental plate were arranged. James secured more congenial employment where his work was largely outdoors and where he was assured of a nourishing meal at noon.

By the improvement of home conditions, by the substitution of other interests, and by building up his resistance to the craving for liquor, James was helped in his desire and determination to forego intoxicants.

A serious drinking problem was solved by means of a psychological appreciation of why James drank. He had become discouraged by family responsibilities and irritations. He had sought to forget, in inebriety, conditions which he felt unable to cope with alone.

Aided in the adustment of his difficulties by the constructive interest of the probation officer, James, finding his burden shared, was stimulated to carry on with renewed courage, and gradually he became accustomed to orderly habits of life.

*"I'm Gonna Be a Gangster"*

The pernicious example of a criminal who evoked hero worship in his admiring younger brother and the deleterious effect of his influence upon the latter's character are illustrated in the life story of Tom Q.

Tom was reared in an ordinary tenement neighborhood. His father's long hours of labor away from home and family and his mother's intensive application to household duties, which limited her knowledge of her children's activities, deprived Tom and his brothers of effective parental guidance.

Brother Jim, five years older, was daring and energetic. He early became identified with a local gang. Petty pilfering from shopkeepers, fights with the police, and thefts from warehouses, were the stages by which he advanced in criminality and enhanced his reputation as a gangster.

Tom's family pride centered upon the only member to achieve "distinction." Jim was "tough"; other small boys spoke of him with lowered voices and told tales of his prowess. It seemed to Tom that his duty was to live

up to Jim's reputation for fearing nothing and taking the living that the world owed him.

Arrested in company with three others while burglarizing a shop, Tom, now seventeen years of age, proudly admitted ten burglaries within six weeks. He was exalted with success; he was becoming known as a gangster; he would now "do time"; he would shortly return, a veteran criminal, to continue and advance in his chosen career.

Tom claimed no remorse for his acts, no penitence for his depredations; exhilarated by the glamour and adventure which in his mind were attached to crime, he boasted to the probation officer, "I'm gonna be a gangster." He was committed to a reformatory.

Lack of playground space, the paucity of scout troops, and the false sense of values engendered by life in the city streets, were in part responsible for the adoption of demoralizing ideals by Tom Q. still in his youthful years. He presents a problem in prevention which the reformatory often vainly seeks to solve by reeducation, training and discipline. Earlier attention to problems such as these is a social need.

*A Domestic Tangle*

In the case of Amos E., many untoward environmental factors were combined with the defendant's emotional instability, manic-depressive reactions, dull mentality and general maladjustment. Quarrels with his wife resulted in charges against him of Assault and the present instance was his fourth appearance on her complaint.

The defendant, aged *29*, had struck his wife in the course of an altercation concerning a woman with whom he was infatuated. The injuries to the wife were superficial. Amos pleaded guilty to Assault in the Third Degree and was placed on probation.

The report to the Court related that Amos' early life had been marked by difficulty in getting along with his schoolmates. His excitable nature had been a source of trouble to his teachers; his parents refused to lend moral support to the school authorities but rather upheld

their son. This attitude had increased his inherent weakness and instability.

Since leaving school he had worked as a collector for an instalment house. The variety of the work and the casual nature of his contacts with customers had made it possible for him to get along fairly well in this position.

His relations with a young woman had resulted in a forced marriage. One child, now eleven years old was born. He had quarrelled with his wife frequently, separated from her several times and his contributions to her support and that of his daughter had been irregular. Whenever he or his wife deserted their home he had returned to the home of his parents in a depressed state of mind and considering himself the injured party. His parents invariably sympathized with him and condoned his neglect of his family responsibilities.

In conference with the psychiatrist and psychologist, a plan of treatment was evolved which provided for psychiatric treatment for the probationer; for strengthening his adherence to religious teachings; for supervising his employment; for reconciliation with his wife and adequate contributions for her support; for correcting the indulgent attitude of his parents, and for stabilizing the probationer, emotionally and socially.

Cooperation with the clinic, Amos' employer, his pastor, his wife and parents were essential factors in changing his outlook and behavior. An abrupt reform was not expected; the change was gradual. His fear of imprisonment, his feeling of affection for his child, his sense of repugnance toward the "other woman"—these all helped to inhibit his more vehement impulses.

His infatuation for the other woman proved to be but a fleeting thing and he now evidences a steadfastness, which becoming habitual under constructive supervision, may long endure.

The family condition described above was referred to by the mother of the wife as "too much mother-in-law." The probationer's mother ascribed his difficulties to the fact that the wife "wasn't good enough for him"; the wife blamed Amos, and he considered himself a victim of circumstances.

A true analysis of the situation, the re-education of the four persons who had been working at cross purposes and the constructive supervision which was given the case, resulted in the development of a unity of purpose which was more powerful than any of the previous separate and conflicting aims.

*An Incidental Offender*

The defendant had a cultural background and a superior mental and physical inheritance. His sudden impecuniousness, his wife's illness, the impending birth of his child, and his sense of futility in further economic struggle, were contributory factors in Kane U.'s larceny.

> Born of a good family, endowed with a brilliant mind, university educated, and widely travelled, the defendant, aged *25*, suddenly found himself in straitened circumstances when an invention on which he had spent much time and money failed to sell in Europe. Accordingly, he sought passage to this country as a steward, deserting the ship upon its arrival in port.
>
> Marriage here with the daughter of a family from his native country followed, but still no prospects of selling his device appeared. His wife became pregnant, and heavy expenditures were foreseen. Chagrin, caused by his economic failure, and pride, deterred the husband from seeking financial aid of friends or of a social agency. His meagre earnings as a hotel waiter barely covered his current living expenses. He and his wife became desperate.
>
> A scheme was arranged whereby the husband, in the hotel cloak room, was to exchange his wife's coat for a valuable fur wrap. The attempt was frustrated, his apprehension followed, and upon his plea of guilty to Larceny, he was placed on probation.
>
> He was jobless, burdened with the stigma of a criminal conviction, reduced in funds, and emotionally disturbed by his recent experiences.
>
> The probation officer devoted his time exclusively to his new probationer's affairs for the few days necessary to locate a suitable home for him and his wife. He placed

him in a position commensurate with his capacity, arranged for pre-natal and confinement care for the wife, and brought the probationer in touch with persons who could aid him to market his invention, which was considered very valuable.

With new channels to professional prestige and stability opening up to him, the probationer has been restored to economic and social utility of a higher level than is the lot of the average person.

The impractical genius was revealed in the study of this case. His impracticality was adjusted by the introduction of new resources and outlets. The probationer and his wife, ordinarily a well balanced person, but unsophisticated, were strengthened in self-reliance, and she will be a stronger influence in his life as she matures. A prison sentence in this case would have effected, perhaps, irreparable harm. The conditions which brought about the delinquency were in need of treatment more than the man who committed the delinquency.

*A Forger by Profession*

The defendant herein was a leader of an underworld intelligentsia of confidence men, bootleggers, bond thieves, gamblers, and forgers. He had devoted his personality assets of brilliancy, forcefulness, and persuasive discourse to illicit and fraudulent enterprises over a period of twenty-four years. Many business opportunities were open to him but from these and the good counsel of friends he turned away. He became confirmed in habits of criminality.

In the present offense, Harry C., aged *37*, cashed a forged check for $1,720.00 in a Broadway bank. He pleaded guilty to Forgery and was sentenced to State Prison for eight years.

Harry was the eldest of seven siblings. He was born in New York City and made good progress through the elementary school grades from which he graduated at the age of fourteen. Above average intelligence, alert and

attentive, he was proficient in all his studies and there was nothing abnormal in his behavior.

In his home life, however, he was handicapped by the neglect and abuse of an intemperate father. On the occasions of the father's periodic debauches, Harry was accustomed to escape his violence by fleeing to the haven afforded by nearby hallways and roofs.

Because of a certain fastidiousness, Harry found such disorderly living repellent, and as his father's periods of intoxication increased in length and became more frequent, Harry was more and more thrown into association with youths who, like himself, spent most of their time on the streets. Thus the dissolute conduct of ungovernable youths became familiar to him and established the criterion which controlled his outlook on life.

When Harry was *16,* his father succumbed to alcoholism, and two years later his mother died. The household was thereafter cared for by his sister. Through the irregular habits of living which all of the brothers had now acquired, the household was in a constant turmoil. Three of the brothers became professional gamblers.

Harry was first delinquent at the age of *18,* when he was committed to the State Reformatory for Forgery. He was subsequently convicted on eight occasions and served sentences aggregating eight years on six commitments.

He became more skillful in his fraudulent activities, and had escaped prison sentence for ten years prior to the present arrest. He had become a menace to the banks and surety companies of the country, and commercial detectives as well as the police, endeavored to keep him constantly under surveillance. His illegitimate income was believed to average $100,000. a year.

The defendant, inspired by criminal success, and unwilling to revert to a lawful life with less bountiful gains, continued his illegitimate operations until his final apprehension. Upon the expiration of the present sentence, he is to be brought to trial on four other indictments now pending.

This offender, who became and remains a confirmed criminal, did not become so at once. A study of his case shows

the gradual descent. He was taught little that was good during his formative years. Later in life he had become habituated to criminal practices, and he calculated the chances and returns of lawless and law abiding habits of life, and his choice was in favor of the former.

*Shell-Shocked*

War veterans constituted a very small percentage of the cases investigated by the Bureau. A shell-shocked war veteran was almost unique. This case is given, not as typical of the problems presented, but simply for its own sake. It is, as are the other cases presented, just a part of the kaleidoscopic view of the variegated problems of crime.

> Born in New York City and brought up in congenial surroundings, the fifth in a sequence of six children, the defendant, aged *25,* had had a normal childhood and youth, and the advantages of a partial college education.
>
> When war was declared, he was *18* years old and volunteered immediately. After several months of active service at the front, he was shell-shocked. Following his honorable discharge, he spent four years in government hospitals where he received psychiatric and neurological treatments. However, no cure was effected, and he refused further medical attention.
>
> Prior to his offense he had been suffering mental lapses and he would suddenly disappear for weeks at a time and would return in a state of high tension, unwilling or unable to account for his absences. Yet, in a normal state he was of a tractable temperament and domestic in his habits. During these lapses, his outlook on life was one of pure hedonism. He would then detach himself entirely from his usual environment and, heeding not the consequences, would seek immediate gratification of his desires, usually in liquor or association with promiscuous women.
>
> During a period of mental and emotional disturbance, while in need of money, he stole and pawned valuable possessions of a woman friend, expecting to be forgiven

because of her previous manifestations of friendship and generous loans of money.

Following the defendant's conviction of Larceny, the Judge was enabled, through the probation diagnosis, to recognize his need of medical and mental treatment, and a wise sentence insured that he would receive such care.

The importance of scientific diagnosis in the case of a man who has served his country and suffered in that service or of any defendant who is handicapped by mental or physical conditions, becomes apparent in a consideration of a case presenting problems such as this.

*A Pampered Son*

In the case of Leonard M., we find a youth who had all the advantages that could be derived from a parent of means, and a high class boarding school. These opportunities, however, did not evoke the looked-for response from him but instead produced an egotistical attitude which contemptuously disregarded conformity to laws which he considered had been formulated for the guidance of less important persons than himself.

Leonard M., aged *18*, was convicted of Grand Larceny and placed on probation. He had stolen an automobile in New York City and had been arrested the next day for a traffic violation in a town two hundred miles distant. His apprehension by the authorities led to the discovery that the car was stolen and he was brought back to New York.

Salient features of Leonard's history were his father's disappearance in his early childhood, his mother's unusual success in a business career, his education in a boarding school, his brilliant scholarship and his lawless attitude. The disappearance of the father, possibly was the cause for the concentration of the mother, in a lenient and indulgent manner, upon her son's life and career. The result was that he became selfish, opinionated and irresponsible.

Following a conference between the supervision officer

and Leonard's mother and uncle, plans were made to develop his self-reliance and self-control, to strengthen him spiritually, mentally and physically and to stimulate him to a personal concern for his future well-being.

Arrangements were made by Leonard's relatives whereby he was sent to a small town in the Adirondacks to pursue the vocation of a surveyor. He lived with people who took a kindly interest in his welfare and under their encouragement he participated actively in the social and religious life of the community.

Stimulated by the probation officer's revelation to him of his latent capacities, by the firm attitude of his uncle, and by the chagrin which his mother manifested over his recent difficulties, Leonard determined to save his wages and by his own efforts to resume his interrupted education.

After six months of mountain life he returned to New York and successfully passed examinations for admission to the last term of the senior year in a military academy. Five months later he graduated with honors and he is now enrolled in a university to prepare himself for a medical career.

The situation in this case was one wherein a youth with splendid potentialities had been indulged and pampered until his inherent strength was greatly vitiated. By removing these weakening influences and by placing him in a stimulating environment he developed inner power and a more wholesome attitude toward life. He improved tremendously in his physical health and appearance and his restoration to social usefulness is a real achievement of persistent, sympathetic probation effort.

*An Insane Criminal*

The criminal insane constituted less than one per cent. of the cases investigated by the Bureau. Those individuals who presented outstanding symptoms of a mentally unbalanced condition, either to the arresting officer or later to the Tombs' psychiatrist, were not brought before the Court for pleading or trial, but, upon an adjudication of insanity by a lunacy

commission, or a diagnosis of insanity following a period of observation at Bellevue Hospital, the offender was committed to the Matteawan State Hospital for the Criminally Insane.

In cases where the evidence of psychosis was not superficial, the social diagnosis of the Probation Bureau uncovered it. The case of Ambrose F. is in point:

> Ambrose F. pleaded guilty to Assault, and after investigation and observation he was adjudged insane and committed to the Matteawan State Hospital. He had been reared under the most disadvantageous circumstances. His father had always been intemperate and a ne'er-do-well, and his mother, a shiftless and immoral person, had died a year previous, while an inmate of a hospital for the insane. Several close relatives had been tubercular. A maternal aunt, mentally defective, had cared for the defendant during the mother's hospital confinement.
>
> At the age of six, Ambrose, because of improper guardianship, was committed to an orphanage, where he remained for a year and a half. Following his return to his home he had a good school record for achievement and conduct, but was often truant. He left school upon attaining the 8B grade at the age of fifteen. In that year he was again before the juvenile court because of improper guardianship. His father had beaten and abused him and had thrown a teapot at him which fractured a bone in his shoulder. He was placed on probation for six months, during which time home conditions were more humane.
>
> For ten years, and since he was seventeen, Ambrose had lived away from home and sought employment as a factory worker in different cities, at no time holding a position for more than a year. Several of his employers reported that his work had been satisfactory for a period and then had terminated following the commission of some overt act. In one instance, he had broken a die in a rage; in another, he had engaged in a fight with a fellow worker. Again, his discharge followed the discovery that he carried a revolver. Young women workers had complained that the offender seemed peculiar and that they feared him. In the present instance, he had threat-

ened to shoot the complainant, who was a fellow employee in a concern from which Ambrose had been discharged a week previous to the offense.

Ambrose had no intimates, and his landlady was the only one whom he had taken into his confidence. To her, he had often threatened to take the lives of many people, especially those of his fellow workers, and particularly that of a telephone operator in the building, by whom he was attracted. He told the probation officer that he thought it necessary for one to take the law into his own hands in order to get even with people who "got funny" with him. He declared his intention of again taking the law into his hands if he deemed it necessary in order to "get justice."

Ambrose's habits had been solitary. He was not interested in reading or amusements and ate his meals, which he cooked in his room, alone. When, by dint of saving, he had accumulated $75.00, it was his custom to move to another city.

Following the period of observation which the offender underwent at Bellevue Hospital upon the recommendation of the probation officer, the diagnosis of "unsound mind, paranoid condition" was received with the comment, "prognosis in such cases is not favorable."

The case of Ambrose illustrates that type of insane criminal who does not arouse general suspicion as to his condition because of comparatively orderly habits of life and a reticence which keeps his associates unaware of his delusions and trends of thought. Intelligent diagnosis by probation officers in the cases of potential murderers such as this, is of fundamental importance to the community.

*Arms and Temperament*

The defendant, Paul V., became engaged in an altercation with his employer over his wages. The men were of different nationalities and the conflict in language and temperament prevented a ready and amicable settlement of their difficulties. The fact that Paul had been accustomed to carry a revolver from his youth, and to think in terms of using it should oc-

casion arise, resulted in his shooting his employer, in the heat of rage and fear, when the latter lunged at him in a threatening manner.

The defendant pleaded guilty to Assault, 2nd degree, and was placed on probation. The employer had recovered from the injuries which he had sustained, and requested that the Court extend clemency to the defendant.

Paul was 34 years old. He was foreign born, poorly educated, in good physical condition, and industrious. He had lived a law-abiding, orderly life during his residence of seventeen years in the United States. He had become a citizen, had married, and was the father of two children. His irregular earnings of $10.00 a day as a bricklayer's helper were devoted to the welfare of his family. He attended church regularly, and spent his hours of recreation with his family.

Paul was overcome with remorse at the act of violence which he had perpetrated. He was appalled at the thought that he might have killed a man who, at the worst, could have only withheld a few dollars due him, and for whose death he might have been required to make an atonement that would leave his family destitute.

Acting on a new line of thought, which the probation officer carefully fostered, Paul was persuaded to refrain for all time from carrying a revolver or other weapon.

Paul's industrial position was not secure. The probation officer improved this by aiding him to obtain more regular employment and to study at an evening class at a mechanic's institute. Eventually, he obtained a union card. Paul's earnings after a few months reached $14.00 a day and he averaged practically eleven months' employment per year. The standards of living of his family were improved under the good counsel of a home educator. In a year Paul saved $2,000, which he paid down on a two family house in the suburbs.

As a home owner and a member of the union, he gained a sense of social solidarity which has become a steadying force in his life. His irritability was decreased by the removal of anxiety regarding economic conditions. Paul has become a relatively calm, serene person, whose children receive kindly guidance and good example.

Culture, including the results of education, the finer products of family life, and religion, increase deliberation and self-control and minimize the tendency to violence. In this case, a man reared in another country, whose natural instincts were good, under the educational processes of probation, was brought into social conformity with the ideas of his new community.

*Physically Handicapped*

The probation diagnosis in the case of Michael G., uncovered inherited weaknesses—a feeble constitution, a tendency to alcoholism, and optical and aural defects—which the psychiatrist recognized that Michael had been attempting to use as an excuse for difficulties in his social relationships. That these physical and psychological conditions constituted an important factor in his delinquency may be concluded from the fact that treatment, and the probationer's insight into his own problems resulted in a discontinuance of his delinquent conduct.

> Michael had a penchant for getting into trouble as an associate of roistering and quasi-criminal companions. First arrested at the age of sixteen, he had been taken into custody on charges ranging from Disorderly Conduct (Intoxication) to Burglary on nine occasions, resulting in two convictions for trivial offenses, a $3.00 fine, five days in the Workhouse, and seven acquittals. In the present offense he pleaded guilty to Burglary and was placed on probation.
>
> Aged *22,* and eighth in sequence of nine children, Michael's school attendance and employment had always been irregular because of poor sight, defective hearing, and general debility. As revealed in the psychological, psychiatric, and physical examinations, he was suffering also from chronic abscess of the ear, diseased tonsils, enlarged adenoids, carious and diseased teeth, corneal opacities of both eyes, and physical indications of alcoholic addiction.
>
> It was revealed to the clinician that Michael had magnified his physical defects and used them as a foil to ac-

count for his failure to achieve success in his academic, industrial, and social efforts. Consequently, the difficulties in the way of his personality and social adjustment were largely psychological. The plan of treatment took cognizance of the fact that until Michael's attitude and sense of responsibility were improved and until he arrived at a proper perspective of his habits of thought, no amount of health treatment or industrial or recreational efforts would alter his conduct.

In cooperation with the psychiatric clinic, Michael's rehabilitation was undertaken. As he gained insight into the impulsions of his behavior, he gradually discarded the crutch of ill health. Meanwhile he was receiving regular attention for his physical deficiencies, most of which were responsive to remedies. His eye condition, however, was not remediable. Michael was placed in a congenial position, and, as an economic asset, his social status in his family was raised. His habit of drinking was no longer his only source of recreation and other interests in the form of club membership and gymnasium attendance were substituted.

Michael, who previous to the diagnosis and treatment of the Bureau, had had an average of two arrests a year, has avoided further conflict with the law during the two years that he has been on probation. No longer seeking solace for an inferiority complex in intoxicants, he has gained self-reliance, and has become accustomed to facing his difficulties more courageously.

The results, concretely, of probation supervision in this case, were abstinence from intoxicants, steady employment, improved health, bettered social status, and continued avoidance of delinquency.

A case properly diagnosed is half treated. Michael's nine previous contacts with the courts had not included psychiatric examinations and the determination of the relationship between his physical handicaps and his delinquency. His inferior constitution also had made him an object of pity rather than one of intelligent concern. The stabilizing effects of intensive supervision by a well organized probation bureau appears to have brought Michael well along the way to permanent rehabilitation.

*A Failure in Adjustment*

The necessity for institutional care—corrective, reformative, or custodial—is indicated in the cases of a considerable number of offenders. More than four-fifths of the cases investigated by the Bureau were found to need such treatment. Among the 18 per cent. placed on probation, a small percentage proved under probation supervision their unfitness for life in the community, at least until they had received discipline and education under the conditions of institutional confinement. The case of Richard R. is one of these:

> Richard R., aged *17*, pleaded guilty to Attempted Grand Larceny in the 2nd degree. He had stolen an automobile while he was intoxicated.
>
> This was Richard's first court appearance, although his arraignment in the juvenile court had been averted only through the efforts of his parents. From childhood he had been disorderly, obstinate and wilful. He violently resented all attempts to control or discipline him, and he was subject to frequent fits of anger. His progress at school had been slow, and he had been a troublesome pupil. His parents had cooperated poorly with his teachers;—apparently they despaired of controlling their son. He refused to respond to kindness, and ignored counsel and constructive suggestions. His implication in the offense herein was but an indication of the disorderly career which he had been pursuing.
>
> The investigation officer consulted the psychiatrist at the City Prison regarding Richard's obvious symptoms of emotional unbalance. Subsequently, an order was obtained from the Court permitting a deputy sheriff to accompany the defendant from the City Prison to a clinic, where he was subjected to thorough physical, psychological, psychiatric, and endocrinological examinations.
>
> The findings of the clinic revealed that Richard was of dull mentality, emotionally unstable, and suffering from glandular disturbances. The recommendations of the clinic indicated that the defendant was in need of treatment for the glandular condition and that his emotional stabilization would probably be aided if the glandular disturbance were adjusted. The probation officer

talked the problem over with Richard's parents who took new hope that their son's condition might be corrected. They were very cooperative and the outlook for Richard's improvement under probation supervision seemed favorable. Consequently, upon the recommendation of the clinic, he was placed on probation.

Richard began regular visits to the clinic for treatment immediately. His family and the probation officer treated him with the consideration which an understanding of his condition demanded. No effort was spared to effect the cure and permanent readjustment of this youth, who had always been at odds with his environment. The probationer, however, was stubborn and impatient of guidance. He cooperated poorly with plans for his welfare. His response to clinical treatment was very slight.

Whether a cure could have been effected if sufficient time had been afforded, or whether the present limitations of science made a cure impossible, are questions that cannot be answered because Richard unfortunately again came in conflict with the law.

He had viciously assaulted a neighbor who had remonstrated with him for his disorderly behavior in the vicinity of his home. He was indicted, pleaded guilty, and was sentenced to the State Reformatory.

The discovery of the apparent causation of maladjustment in an individual sometimes arouses the enthusiasm of a worker and engenders an optimistic attitude toward the future development of his client. But one may understand a problem and yet fall far short of solving it. There exist many problems in the lives of delinquents with which modern science is not yet equipped to cope. However, experience is gained by trying out and testing methods of treatment, and no effort spent on a well directed plan for the adjustment of a delinquent is ever lost.

*An Unsuitable Home*

The influence of poor home conditions, and especially the mother's absence from home, necessitated by her duties as

a bread winner when the father failed in that regard, were circumstances in the early life of William A. Poverty and the raillery of his associates in the streets, which he lacked the stamina to repel, fixed in him a feeling of inferiority and a lack of self confidence which were real handicaps in his development and growth.

In this instance William A., aged *20,* made his first Court appearance on the charge of stealing an automobile, while intoxicated, and acting in concert with two co-defendants. His intent had been merely to take a "joy-ride". There was no indication that he meditated disposing of the car for profit. Following his plea of guilty to Grand Larceny he was placed on probation.

For many years previous to his death three years before, William's father had been an inveterate drinker and had been constantly embroiled in difficulties with his wife. His general attitude toward his home had been one of indifference, and frequently he had failed to support his wife and child. Thus the support of William became the responsibility of his mother, whose work often took her away from the home.

Under these conditions William received little moral training and from an early age he was allowed, in the precarious environment in which he was reared, a freedom of action out of all proportion to his years. His irregular school attendance hindered his progress, and he left school, in the 7th grade at the age of 15.

Association with bad companions and drinking followed, and his last tie with responsible living was broken three years ago when he left his mother's home after having quarreled with her continually over his habitual drunkenness.

Crippled by various accidents which befell him when drunk, and constitutionally weakened by alcoholic addiction, William had drifted from one position to another when the strain of steady employment over-taxed his undermined system. Frequently out of work, he became a loafer and a habitue of questionable resorts, and spent what little money he earned carousing with worthless companions.

The probation officer considered William in the light

of all the knowledge available, and made a plan of treatment which recognized the difficult task of remoulding a character that had been forming devitalizing habits for years.

He secured William's confidence and interest. He succeeded in imbuing him with worthwhile objectives and in substituting ambition and purpose for a hitherto aimless existence. In illuminating contacts, he revealed William to himself, he gave him new courage and an appreciation of his own possibilities, and stimulated his ambition by pointing out the achievements of others whom William disdained to consider of superior capacity to himself.

By a change of habits, and by alteration of conduct as a process of slow transformation, the deficiencies of William's life were gradually remedied. He was reconciled with his mother, he was given vocational training, he secured a position as a carpenter's helper and began to conform with the spiritual and social teachings of the Church. His new home with his mother removed him from the proximity of his former idling companions, who one by one dropped out of his life.

The results of upbuilding William's character by encouraging adherence to a regular regime of living in a stimulating social atmosphere became apparent. William's habits of drinking moderated, and at length ceased, and in his gradual progress he began to give promise of realizing a socially useful life.

In this case there was at hand the problem of a drunkard who had suffered from the vitiating influence of a father's bad example and association with youths of similar habits and outlook on like. William had developed a devastating attitude of hopelessness. There were no big motivating factors toward right living in his conception of things. He had drifted without restraint. Under the stimulating influence of a trained and interested probation officer, William took a new grip on life,

*A Psychiatric Problem*

The following case illustrates a many-branched problem that had its root in a psychiatric disorder of the probationer:

Hannah, a timid, slight woman of borderline intelligence, was born in Central Europe of peasant stock nineteen years ago. She spent her early life on a small farm and emigrated to America with her family when she was sixteen years old.

She obtained employment as a domestic. Her mother required the surrender of her salary and purchased such articles as she deemed necessary for her daughter. Hannah was apparently acquiescent, yet she harbored a dull resentment.

In order to buy clothing for herself and a Christmas gift for her fiance, extravagance from the view-point of her peasant-minded mother, Hannah stole the sum of $50. from her employer.

Hannah married shortly after she was placed on probation. The couple rented four rooms in a dingy tenement house for which they paid a monthly rental of $40. But troubles ensued. She worried about her health—complained of her back, of her side, lack of appetite, and sleeplessness. Her husband earned $35. per week, all of which he gave to her, yet she was scarcely able to meet her few expenses. She alleged undue curiosity, insults and annoyances on the part of her neighbors. The arrival of a child was a source of alarm; although fond of her husband and child, life seemed full of woe to her.

Hannah's adjustment was effected through the aid of the psychiatrist and social agencies. Her inability to react constructively to the circumstances of her life was traced to its true source, a personality disorder. It became apparent that she suffered from pyelitis, but that her ill health was not so much a physical reality as a mental figment. The diagnosis was hysteria, and the physician reported that she complained of pain out of all proportion to the pathological condition found. When this condition was dealt with understandingly by the psychiatrist, a new plane of personality adjustment was in sight.

For a period that covered several months, during which time she was receiving treatment, she began gradually to grasp the import of her problems as they existed and not as they had once appeared to her.

Hannah's adjustment followed an even course after the diagnosis and treatment afforded by the psychiatrist. The entire trend of her life, her inability to master its ordinary details, was revealed in the light of a mental disorder. Her one crime, then, is seen not as an isolated, inexplicable act, but as an outcome of this mental illness which prevented her from facing situations or seeing them in their proper relation.

*A Wandering Criminal*

The longing for travel, the wish for new experience, and the desire to escape the responsibilities of an ordered life, may act to produce the tramp and the wandering criminal. Vagrants are not the result of any one set of factors. They cannot be explained solely by economic or social conditions. Among the contributory causes of vagrancy, Gillin names the following:

> Economic conditions, such as absence of proper means for the care of the sick, the weak and the aged; lack of recreational facilities to satisfy the restless spirits in quest of adventure, and lack of proper home conditions; physical and mental weakness or warp, which finds in the uncontrolled life of the tramp the excitement, absence of restraint, and self-centered life, which the weakling in character craves.[45]

The following case illustrates how the wanderlust operates in producing a roving criminal.

> Frank C., *35* years old, who was arrested for Larceny and sentenced to the Penitentiary, had stolen a package from a truck.
>
> Frank had completed an elementary education at the age of *16*, and shortly afterwards entered upon a career of wandering and criminality. First delinquent at the age of *14*, he made fifteen subsequent court appearances in nine different cities, charged in most cases with thievery, and more recently with selling narcotics.

[45] John L. Gillin, *Criminology and Penology*. Page 262.

As a thief, drug peddler, and a confederate of criminals, the defendant had drifted about the country for thirteen years since he left the home of his parents in Philadelphia at the age of *17*. Unencumbered by any domestic ties, he was able to satisfy all personal needs by occasional jobs and petty thievery and he became a transient resident of several cities, usually living in cheap lodging houses.

For a long period the defendant had followed circuses, fairs, and horse races, and had seized every opportunity to travel. Working only when it was absolutely necessary, he subsisted mostly as a skillful thief, and he became well-known to the police. His arrests in recent years have become progressively more frequent, and it seems improbable that he will respond to institutional or other treatment.

Wandering criminals are sometimes recruited from the unemployed, who seek work in other cities, and eventually lead a transient existence. Many studies, however, indicate that among this group, the psychopathic type of personality is abundant. Their offenses generally consist of misdemeanors rather than felonies.

*The Tool of Criminals*

A youth of colorless personality, weak character, and naturally a "follower", subjected to the combination of a lack of parental supervision and the influence of dissolute companions, became the tool of criminals.

Frank N., aged *18*, pleaded guilty to Attempted Robbery as a first offender.

Factors in his early life were his mother's death when he was two years old, and his subsequent upbringing by his grandmother until his father's remarriage six years later. Thereafter he was under the care of his step-mother who attended to his material wants in an impersonal way.

The serenity of his father's household was destroyed a few years later by the step-mother's growing addiction to alcohol. The purpose of Frank's life became the avoid-

ance of conflict with an enraged and abusive woman. His school progress was impaired by irregular attendance and lack of study. When he reached the 7th grade at the age of *15,* he was glad to be able to leave school.

Frank secured employment as a delivery boy and worked fairly steadily. He was dull and lacking in imagination. The leader of a neighborhood gang of questionable characters, found, in Frank's susceptible nature those qualities which would make him useful as a tool of cleverer persons. Through appeals to his vanity and social nature, his agreement to participate in a robbery was secured.

The gang undertook the robbery of a delicatessen dealer and left Frank on watch outside. The dealer raised an alarm and Frank and his confederates were apprehended.

Frank's accomplices had criminal records and received prison sentences. He was placed on probation.

The cooperation of a family agency was secured in the treatment of the home conditions. Pending the restoration of the step-mother to normal habits of living, Frank resumed residence with his grandmother to whom he was devoted, and who was able to surround him with constructive influences.

His former employer was persuaded to give Frank a position in his market with an opportunity to learn the butcher's trade. Under his grandmother's supervision and through the interest of his Pastor, Frank became a devoted Church attendant. Through the development of acquaintances in the boys' club of the parish, he detached himself entirely from the interests and influences of the life he had been living prior to his arrest.

His step-mother has developed an organic condition which has confined her to a hospital for several weeks and the future plans for the family hinge largely upon her chance for recovery.

Although unimaginative and lacking in qualities of leadership, Frank demonstrated his capacity to choose a social form of life and to adhere to his choice when he was removed from a circle where through the evil example of his associates, he had drifted into crime.

*A Pickpocket*

A type of criminal commonly known is the pickpocket, who frequently plies his trade in the larger cities of the country. He is a serious problem, for whatever may have caused him to enter a life of crime, he soon becomes a professional criminal, and remains so by deliberate choice. A pickpocket is generally of normal mentality, and often possesses exceptional ability.

> Ralph K. had picked the pocket of a fellow subway traveler, who had been jostled by his confederate. He was arrested in the act and subsequently was committed to the Penitentiary. Aged *27* and the eldest of three children, of an excessively alcoholic father who had been frequently arrested for Disorderly Conduct, he was first delinquent when he was fourteen years old. At this time, with other boys, he was accused of picking the pocket of a drunken man.
>
> His teachers reported that he was bright in school, but that he would not study, and was frequently a truant. Twice araigned in the Children's Court, he had been committed to an institution, and placed on probation. His mother was a good woman, but weak and unable to manage her household.
>
> Disdaining to work, he became affiliated at an early age with a gang of older pickpockets. He was attractive in manner, and quick in his movements. He showed considerable shrewdness and was soon an accomplished confederate of his more experienced companions. He traveled from city to city, picking pockets, and served sentences on four occasions.
>
> At *27*, he is a keen-witted, habitual criminal, possessing a knowledge of the law and court procedure that is remarkable. He drinks moderately, consorts with immoral women, but for the most part, takes rather good care of his health and appearance. He has no intention of reforming, and is apparently satisfied with his life and his world.

A combination of bad home conditions and manual dexterity probably explain the delinquency of Ralph K. Natively shrewd, he has been fairly successful in his vocation. A con-

firmed egotist, indolent, unashamed of his manner of livelihood, he will probably continue his career until overtaken by long prison confinement.

*A Bigamist*

A man mature in years, but undeveloped emotionally, fled from the responsibilities of a married life, which rested lightly upon him, and unlawfully went through a civil ceremony of marriage with a young woman, the daughter of a neighbor. Soon the strength of his marital tie prevailed, and, awakened to a realization of his affection and need for his wife and children, the defendant left his bigamous wife.

Adolph, *27* years old, pleaded guilty to Bigamy. Investigation revealed that he had been in the ungraded classes at school, where he was classified as of borderline deficiency. He was emotionally unstable, and of a highly suggestible nature.

In his employment as solicitor for an attorney, his engaging personality and sociable manner were assets which enabled him to earn commissions aggregating $75. weekly.

Four years previously he had married a strong-willed competent young woman three years his junior. The probationer's vanity and conceit were a source of irritation to his wife, and had made him susceptible to the flattery and attentions of other women. He had neglected his wife and two young children for several weeks prior to his arrest, and had spent his earnings on his paramour.

He was placed on probation and his bigamous marriage was annulled. Because his affair with his bigamous wife had been an episode which he sincerely desired to forget, Adolph effected a reconciliation with his wife.

He returned to his employment as solicitor and collector. This occupation furnished the contacts that his social nature desired, and provided a variety of activities which did not demand his sustained interest.

From time to time, however, Adolph had new ideas regarding opportunities permitting a wider expansion of his ego. Selling real estate in Florida, a concession at Long Beach and various get-rich-quick schemes gained his attention.

Adolph was childish and immature in his conceptions, and light-hearted in his attitude toward his responsibilities. However, the probation officer, who had gained his confidence, invariably persuaded him to eschew his transient ideas.

On one occasion, following a quarrel with his wife, Adolph left home with his children. With abiding faith, he brought them to the Probation Bureau. After a long talk with the probation officer, he followed the latter's advice to return home, as though he had only gone out for a walk. Thus he maintained domestic serenity.

The wife's patience was often sorely tested by her husband's variability. Finally, enabled by the probation officer to understand that Adolph's personality defects were constitutional, she abandoned her dictatorial, critical attitude toward him, and developed a more maternal, protective one which was in harmony with the needs and temperament of her husband.

Among the cases of bigamy investigated by the Bureau, were those of the marital adventurer, who married women for their money, took their funds and left; of the deserted husband who took a new wife, years after his legal wife's abandonment, half believing that she was dead or divorced, but fearing to inquire; and of the unstable, wandering individual, of low moral perceptions, to whom the marriage contract was no more important than any of the other obligations which he carried so lightly. The motives of bigamists indeed were as varied as the individuals charged with the offense.

*The Princess of Thieves*

A woman who has spent the greater part of her life following a criminal career presents an unusual social problem. And yet in the study of Margaret's history, one can perceive some of the influences and forces which contributed to her delinquency. Neglected and untrained in childhood and youth, the wish for adventure carried her on until she became a romantic figure in the annals of criminals.

A posthumous child, born in a mid-western city, Margaret's childhood was featured by an absence of moral training or maternal supervision. Compelled to labor for her subsistence and that of her child, Margaret's mother placed her in the care of a neighbor. Later, when she became of school age, she was permitted to roam the streets at will. An attractive and intelligent young girl, she readily found companionship among youths who exercised a deleterious influence upon the formation of her character.

Irked by the impoverished condition of her home and desirous of the gaiety of life, she finally ran away at the age of *15* and secured a position as a waitress at a summer resort. Later she met a youth several years her senior whom she came to regard with genuine affection. Mutually infatuated with each other, they had already planned on marriage when the youth was accidentally drowned. His tragic death profoundly affected Margaret in whom a reckless cynicism began to form.

Thereafter she wandered from city to city. It was thus that she became acquainted with the notorious "Denver Kid" whom she married in her nineteenth year; a kindred spirit who possessed that same recklessness and daring courage which were salient personality traits in Margaret.

Through him she gained a ready entree into criminal circles where, captivated by her personal charm and desirous of furthering her fortune, his coterie hastened to impart to her the technique of thievery. With but little conception of values and without discrimination in her choice of associates, she readily responded to their tutoring.

The graph of her subsequent career envisages her as wandering with her husband around the world living a gay and irresponsible existence, and engaging in a series of crimes. Adept in shop-lifting, a consort of forgers and a society thief of proficiency, she soon earned for herself the sobriquet of "The Princess of Thieves." Twice she came into conflict with the law in England and served prison terms of three, five and eight years respectively. During her last period of incarceration her husband died, and upon her release, she was ordered to leave England.

> Alone and advanced in age, she returned to this country and made several futile attempts to earn a livelihood as a laundress and chamber maid. While she was thus attempting to struggle along she chanced upon an old associate in crime who casually suggested "a trick," that would be easy of accomplishment. It failed, however, and at the age of *52,* Margaret appeared for the sixth time in Court, where she pleaded guilty to Attempted Grand Larceny. Sentenced to a term of three years in State Prison, "The Princess of Thieves" has written what will perhaps be, the last chapter in her life of crime.

For many years Margaret was heralded by the newspapers of this country and Europe as a criminal figure of picturesque proportions and exceptional prowess. A study of her life at close range, however, indicates the inaccuracies of these portrayals. In the twilight of her life, she is in prison, a forlorn individual, and a significant example of the truth that no matter how attractive crime may appear in print, it almost invariably culminates in punishment for its protagonist.

*A Dishonest Employee*

Dishonest employees present many different problems. Sometimes the influence of fellow-workers, again the persuasions of a "fence," occasionally the economic needs of the individual but more often dissolute and extravagant habits were impelling factors in their offenses:

> In the case of Matthew S., we have a youth of *18,* a student in the junior year at evening high school, earning $23.00 a week as a porter with a reputation for industry and good conduct. Of an amiable, pliable character, and lacking decisiveness, the defendant had readily fallen in with the suggestions of a fellow employee who needed another ally in the transportation of stock from the warehouse storeroom to the buyer of the stolen property. Matthew pleaded guilty to Petit Larceny and was placed on probation.
>
> The supervision officer sought to treat the emotional attitude that Matthew had developed as the result of

his embarrassment at his detection and arrest. He aided him to reconstruct his life on a new and finer basis and held out to him visions of the careers to which he might aspire.

Plans were mapped out for his personality and professional development. He continued his high school education, joined an athletic club, participated in religious and social activities and saved money to defray anticipated tuition expenses.

Among the results of probation noted twenty months later, were the following: Matthew had passed college entrance examinations and had attended an academic course five nights a week. Regular savings over a long period had enabled him to meet his tuition expenses. Steady employment, improved facilities for recreation at home, faithful attendance at Church, and new confidence in himself were factors in his social and personality adjustment.

Cases like Matthew's, where probation has advanced far beyond "ordering" and "forbidding," offer almost illimitable opportunities for constructive development.

*Manslaughter*

As the custodian of the court's mercy, probation though prohibited by statute in cases of murder, not infrequently renders a valuable service through pre-sentence investigation by interpreting both the motivation of the offense and the personality of the offender. A particularly apt illustration of this service is to be found in the case of Philip D., whose crime was partly perpetrated in self defense.

For three months, Salvator, noisy and overbearing, had tormented the diminutive Philip who bore the gibes in silence. There came a day, however, when Salvator, failing to provoke a fight, hurled a wooden block at Philip. A scuffle ensued, and when it seemed that he would be worsted, Philip picking up a knife from a table, slashed his opponent across the breast. Eight days later, Salvator died of the wounds, and Philip, who had prayed during those eight days that Salvator might survive, was

branded as a murderer. But the law estimates intent, as well as fact, and he pleaded guilty to Manslaughter in the Second Degree.

The day of sentence arrived. Before the Judge lay a detailed report. Always, Philip, aged *34*, and the father of three children, had worked faithfully. A quiet, tractable man, he had been devoted to his home. His life had heretofore been blameless. And the deceased, feared and disliked by his fellow workers, had been the unjust aggressor. So a merciful Judge, guided by the findings of social investigation decreed that a sentence of five to ten years in State Prison for Philip, would serve the ends of justice and expiate his crime.

For the social investigation of manslaughter cases, it is paramount that intent, the elements of provocation and self-defense and the sequence of events which culminated in the crime should each be minutely evaluated and interpreted. Presented in their true perspective, these factors will enable the Court to arrive at discriminating dispositions in harmony with the social as well as the legalistic aspects of the case.

*The Sex Delinquent*

In order to arrive at a rational disposition in rape cases, it is necessary to make a thorough investigation of the antecedents, character and circumstances of the girl involved, as well as of the defendant. The case of Samuel T. illustrates the results of an investigation which made him appear in a very different light before the Court than did the unexplained charges of the indictment.

Samuel T., *18* years of age, had always lived with his parents in a comfortable home. He had received religious training in his home and at Church, and was highly thought of in his neighborhood.

Samuel had completed the elementary school and entered high school at the age of *12*. After graduating from a three-year commercial course, he had been employed for two years as clerk in a department store, at a salary of $23. per week. He attended college prepara-

tory classes several evenings a week and planned to enter college the following year.

A fellow worker, a girl, *17* years old, sought him out at his place of employment. She encouraged his attentions and persuaded him on several occasions to give up his classes for an evening and accompany her to theatres and dances. Finally they became intimate.

The girl's mother, upon learning of her daughter's relations with the defendant, caused Samuel's arrest.

The investigation of the girl's character revealed that since her fourteenth year she had been a wayward child, frequently remaining away from home for several nights in succession. She had contracted a social disease a year previous to her acquaintance with the defendant.

Samuel, on the other hand, had led a normal and moral existence prior to his entanglement with this girl. He had observed faithfully his family and religious duties, and he had given every promise of development as a useful and law-abiding citizen.

The report of the psychometric examination revealed that Samuel was of superior mentality, and his intelligence quotient was 1.21.

The Court placed him on probation.

The conclusions arrived at in a case after delving beneath superficial appearances and examining the underlying circumstances are often likely to differ appreciably from the primary reaction. The wide demand for the imprisonment of a defendant convicted of rape, results from the popular impression that he is an atavistic and anti-social individual, and that his imprisonment is necessary in order to assure the safety of young girls. In some cases, of course, imprisonment is a proper disposition. Again we perceive the necessity of a study of the individual circumstances.

*Unamenable to Probation*

Intelligence, education and a favorable environment are ordinarily combinations that result in producing substantial, desirable citizens. In the case of Edgar S., however, his

egotistical nature expanded and made him oblivious toward his obligations to others.

Edgar, age *27*, a first offender, pleaded guilty to Grand Larceny. He had paid a hotel bill with a check for $500. which he had no funds in the bank to meet. Unable to procure funds immediately, he was arrested and charged with uttering a worthless check. Friends came to his rescue, the demands of the hotel were met, and Edgar was placed on probation.

It had been revealed by the pre-sentence investigation that Edgar had enjoyed unusual advantages in his home and social life. He had completed a university education. Possessed of considerable native ability and energy, he had been an able student at college, and more recently, an unusually successful jewelry salesman, with a salary and commissions aggregating $20,000 a year.

Edgar had become inflated with his success. The affluence which he enjoyed engendered in him a superior attitude toward his fellows, and had further induced him to participate in riotous excesses. He had spent money lavishly upon himself and his extravagant wife, and invariably squandered his income in advance of earning it.

Under supervision, Edgar was at little pains to meet the spirit of the probation requirements. He reported weekly, but usually on a day when the probation officer was engaged in field work. He was employed steadily and his earnings reached $1,600 a month, yet he professed himself unable to save, and continued to spend all of his income in extravagant living.

On one occasion it was believed that he was implicated in some questionable financial transactions with his wife. However, since they both denied this, and there was no reliable testimony connecting him with the matter, the Court could take no action.

Edgar's attitude at all times toward his probation officer and toward probation was one of mere toleration. Considered as a personality problem, he was transferred on two occasions to the supervision of other officers, whom it was hoped might be able to establish an *enrapport* with him.

However, he asserted that his success in life was an evidence of his ability to manage his own affairs, and he considered that intervention from any source was unwarranted meddling. All efforts to secure his cooperation were of no avail. Although he was a probationer, probation never really touched him. He continued his careless and irresponsible manner of life until his arrest for an offense similar to the one which originally had brought him before the Court.

Finally he was committed to the State Prison on a charge of Grand Larceny.

The qualities which tended to make Edgar a tremendous success in the field of salesmanship—his poise, his resourcefulness and his assertiveness—were the qualities which made him unamenable to probation supervision after his carelessness and optimism had resulted in his fraudulently overdrawing his bank account. He presented a personality problem, of traits which are most desirable in their normal manifestations, but which, when possessed to such an exaggerated degree, prove a real handicap to their possessor.

*A Bandit by Impulse*

In the case of Robert M., environmental and educational influences of a beneficial nature were neutralized by the imperceptible development of a neurosis, by intensive introspection, and industrial maladjustment. From the resultant conflict, there was begotten an emotional instability which in a moment of mental depression, culminated in the impulsive perpetration of a robbery.

Robert M., aged *24*, pleaded guilty to Robbery, in the Third Degree, and as was usual, sentence was adjourned for one week to permit of a probation investigation.

Southern bred and a college graduate, Robert had come to New York five weeks before the offense, in order to better his fortunes. As time passed, he found no employment, and one night, with but thirty cents in his pocket, he sat, alone, in a cheap restaurant.

Across the aisle, a cashier extracted from his till a large roll of bills. Impulsively Robert catapulted himself at the cashier, and holding a glittering cigarette case as if it were a revolver, he seized the bills and dashed out and down the street. Scarcely a block away he awakened to a realization of the enormity of his offense, and, remorseful, he retraced his steps and surrendered to his pursuers.

Behind Robert's impulsive act lay the history of academic achievement and industrial failure; of physical courage and moral trepidation. Acclaimed as the athletic hero of his college by innumerable friends, but the scion of a family in reduced circumstances, he had never known the softer side of life.

To compensate for the defects in his position, he had developed a series of strong emotional drives. There had been the drive to acquire an education; the drive for athletic distinction; and, handicapped by the debts of his education, the ultimate drive for remunerative employment. But there had been few moments of relaxation for this youth, whose play sense was deficient and who lacked humor.

Diagnosed as neurotic and unstable, Robert's immediate problem, then, was one of emotional adjustment; of the substitution of objective interests and new visions for his intensive introspection; and of the development both of a spirit of play and increased social consciousness. Robert was placed on probation.

A position of trust and responsibility was secured for him by friends, who, learning of his circumstances, were anxious to aid him in every way. Through the kindly interest of his employer he was introduced into socially desirable circles. By carefully balancing his work with mentally stimulating recreation, the barriers of his introspective isolation were gradually broken down. An increased earning capacity, combined with a budgeting of his expenses, effected an improvement in his financial condition.

Robert, less than six months after being placed on probation, now gives evidence of better emotional adjustment, restored social status, and of a more optimistic outlook on life.

The diagnosis of the psychiatrist pointed to the defendant's inability to adapt himself amid the complexities of life in a large city, which presented an appalling contrast to the regularity of his existence in the college town where he had always lived. Pride had prevented him from approaching fraternity brothers and other friends with requests for aid and because of an inferiority complex, he cherished the belief that his services could not be of value to them. Under the stimulating environment in which he worked and lived while under probation, his personality was developed and he gained in power and self-confidence.

*The Honor of the Family*

An individual of irreproachable antecedents, motivated by affection for his family and a burning resentment against his sister's seducer, in this instance, endeavored to mete out summary punishment and avenge the honor of the family.

> Anthony, age *25*, arraigned for the first time in any court, was charged with Assault in the First Degree. An investigation of the circumstances of the offense revealed a tragic story.
>
> The complainant, age *51*, was a family friend in the old country and a neighbor since he arrived in New York three years previously. From the time of his arrival, he had free entree to Anthony's home. Anthony's parents had aided and guided him in every way that an "old settler" can help the immigrant, and he had apparently responded with gratitude and affection.
>
> In the presence of the family, the attitude of this middle-aged man toward Anthony's fourteen year old sister Antoñina, was that of a father. In the absence of the family, he had plied her with wine. Following her seduction he had threatened her life and that of her family if she betrayed their illicit relations.
>
> In fear of death and the terrors he pictured, Antoñina did not mention the matter to her family, until their relations had continued for a considerable period. Then on the verge of hysteria and unable longer to keep her terrifying and shameful secret, she poured out the story.

Feeling that she had nothing more to live for, she attempted to kill herself by jumping out of a third story window.

She was removed to the hospital, where it was found that she had sustained an injury to her spine, and, if she lived, would be crippled for life.

Anthony, motivated by grief and rage procured a revolver and set out to avenge his sister's honor. Meeting the complainant, he shot him. The wound which he inflicted in the complainant's leg, however, was only a superficial one. Anthony had been taken into custody immediately and his plea of guilty to Assault in the Second Degree was accepted.

The probation report to the Court related the history which had preceded Anthony's attack upon the complainant. The qualities of Anthony's character, his industry, his excellent war record, and his high sense of family responsibility were also set forth. A merciful judge placed him on probation.

On probation, Anthony resumed his orderly life in the community and continued to merit the esteem of his neighbors. Through cooperation with other agencies, aid was secured for the improvement of his sister's physical and emotional condition.

It is significant to note in connection with the case of Anthony that a law enacted subsequent to his arraignment has made it mandatory for judges to imprison the offender who uses a revolver in the perpetration of a crime. Typical of the purely legalistic method of treating crimes, it deprives the judiciary of the power of discretion in regard to offenders and makes it impossible for the court to dispose of delinquents according to their individual problems, as scientifically determined by social investigation.

*A Despondent Incendiarist*

The myriad reactions which follow upon an emotional crisis in the lives of many individuals and the delinquent character which they frequently assume, is well illustrated in the case of Edward R. Considered as an isolated act, his offense would

appear to be the crime either of a mentally unbalanced person or an irresponsible drunkard. Social investigation, however, succeeded in adumbrating not only the chain of events which led up to the offense itself, but also in diagnosing Edward's personality as a basis for his future adjustment.

As early as his ninth year, Edward had taken a childish fancy to Gertrude, two years his junior. With the passing years, the fancy grew into a deeply-rooted affection, and Edward began to dream of marriage. His hopes, however, were not to be realized, for at the age of sixteen, Gertrude accepted another. A few years later, her husband died, and Edward renewed his early courtship, and at last Gertrude became his wife.

Several years passed, during which time the couple lived in mutual happiness. There came a day, however, when Edward's wife, tiring of domestic felicity, began to spend her evenings away from home. Edward was not disturbed by his wife's frequent absences, until one night, when she returned escorted by a man. Angry words followed and several days later he came home to find that his wife had eloped.

For more than a year Edward clung tenaciously to his home, always hoping that his wife would return. But as the months went by and she failed to appear, he became morose and he resorted to drinking to excess to banish his depression.

At last he heard that his wife scorned the idea of returning to live with him. Enraged by the news, maddened by jealousy, and inflamed by liquor, he procured a bottle of kerosene, sought out the new abode of his wife, and attempted to set fire to her house. He was too drunk, however, to succeed in his efforts, and the fire which he started was readily extinguished.

Edward was guilty of Arson in the First Degree, for the laws says, that "a person who wilfully burns, or sets on fire in the night-time, a dwelling house in which there is at the time a human being, is guilty of Arson in the First Degree." And the law provides that a person found guilty of such an offense may be imprisoned for a term not exceeding forty years.

Again we see the need for a social understanding of illegal acts, if justice is to be done.

A courageous and humane jurist placed Edward on probation.

Realizing that the effects of living alone might engender further anti-social acts on his part, Edward's probation officer succeeded in having him establish his home with his sister, who afforded him companionship and sympathy. The reaction from his act and imprisonment, however, brought to Edward increased emotional control and his adjustment now gives promise of being complete and abiding.

*The New Day Bandit*

The modern youthful bandit is a product of the times. Ten or twenty years ago the ruthless robber was the hardened criminal, an ex-convict, and seasoned in crime. The new day bandit is frequently still a youth in his teens. Defiant and unsocial, he spends his leisure time in idleness, and in the mad hunt for pleasure. Industry and legitimate ambition have no place in his life. Statistics gathered throughout the country place the age peak of these offenders in the group from 21 to 24 years. In the case of Ben Y. many circumstances may be observed which are typical of a large number of youths charged with robbery.

Ben Y.'s plea of guilty to Robbery, First Degree, covered two indictments filed against him. At the age of eighteen, he was sentenced to State Prison for a term of from eight to sixteen years.

Ben Y. and another youth of the same age had ordered a taxi chauffeur to take them to an uptown address. When they arrived at their ostensible destination, they pointed revolvers at him, ordered him into a hallway, and robbed him of his night's receipts of $10.20. Alarmed at the approach of a pedestrian, they rendered their victim unconscious with a blow from a pistol butt and escaped in his taxicab.

Careening madly through a crowded thoroughfare, they

crashed against an elevated pillar, wrecking the cab and attracting the attention of a police officer, who took them into custody.

Ben Y. had always lived in New York. His progress through the public schools in general had been that of the average pupil. However, he had been often truant in his last year of attendance, and left in the 8th grade at the age of fifteen.

His home conditions were favorable. His father and mother were hard-working, industrious people who endeavored to give their children all the advantages compatible with their limited income.

Since leaving school, Ben's periods of employment and idleness had alternated, and recently he had been employed only rarely. His companions were smartly dressed, flask-carrying sleek-haired youths, dance hall habitues, who did not scruple at any practices which would supply them with funds. Dancing instructresses and promiscuous women were his associates, and parties, breaking up at dawn, provided his social life

In the vicious circle into which he had been drawn, a lack of funds was invariably met with the suggestion that they procure some—no matter how. Thus, by evil example, and progressive deterioration of his moral concepts, Ben had arrived at banditry. On twelve occasions in ten weeks he had held up pedestrians and taxi drivers.

Ben was normal mentally and physically. Impatient at the reproaches of his parents, and contemptuous of their viewpoint, he had left home and thereafter maintained himself by his illicit activities. A religious scoffer and a non-attendant at Church, cynical, and immoral, Ben had left far behind the teachings of childhood, and had chosen the gayer but more precarious ways of life which have ended in disillusionment and imprisonment.

The neglect of moral education; congested living quarters, forcing youthful members of the family to seek their pleasures outside the home; the inciting qualities of poisonous liquor and the ease with which fire-arms may be obtained, are all factors in the development of the new day bandit. Many of the places of recreation contribute, also, to the delinquency of youths. It has been a commonplace that most of the delin-

quencies of youth occur in the search for recreation. Beyond all these environing circumstances stand the inborn tendencies of youth itself.

*Maladjustment*

Normal youth needs adequate vocational training, employment adjustment, and wholesome outlets for his energies. Otherwise the forces and drives which should be utilized for the growth of the individual and the benefit of the community may become diverted into destructive channels. A study of the case of Stephen L. reveals a youth suffering from maladjustment.

> Stephen L., *17*, a first offender, was convicted of Burglary. A radio which he had stolen from an apartment which he burglarized at eleven o'clock one night in company with three companions, was restored to the complainant, and Stephen was placed on probation.
>
> Stephen's school progress had been normal, but he had been more interested in mechanics than academic subjects. He left high school in his first year at the age of fifteen—ambitious to become an electrician or telegrapher. His mother looked upon his inclinations, as merely youthful whims, and secured a position for him as delivery boy with the family grocer. To her this position had the advantage of keeping Stephen under her watchful eye, and that of her neighbor, the grocer, all of the day and the greater part of every evening.
>
> Stephen was intelligent, muscular and active. In his new occupation he was no longer afforded the time or opportunity for playing baseball on the back lots with the boys. Evenings at the library, poring over precious books on mechanics and inventions were becoming memories. Overworked and unhappy in a job he did not like, Stephen's eyes grew dull, and his steps heavy, as he plodded on. Faithfully on Saturdays, his pay envelope was turned over intact to his mother, and he protested but little at the meagre allowance she accorded him.
>
> Stephen's desires for tools, for engines, and most of all for a radio, grew, without any hope of satisfying them.

Various ideas of how he might obtain the desired articles came to mind, but none of these ideas seemed practical. It was after ten o'clock every night when Stephen finally finished his work at the grocer's. His friends of former days were not available at that hour. Driven by loneliness and his gregarious nature, he cultivated the acquaintance of young idlers of the neighborhood. He learned from them of burglaries, robberies, and package stealing.

Stephen fell in with the plans of his new companions, who had decided to burglarize an apartment. In company with three other youths, he entered a flat through an open fire-escape window. His accomplices possessed themselves of clothing, jewelry and liquor, but Stephen took only the radio, which he carried home with him.

His mother's suspicions were aroused by her inability to elicit a satisfactory explanation of how he obtained the radio and she reported the matter to the police, who took him into custody.

On probation, the cooperation of his parents was secured and they were aided to understand the problem which Stephen presented. His desire to advance himself, and his interest in electricity were met through his placement with a newspaper, in a position where he had an opportunity to learn telegraphy. A family savings fund for the purchase of a radio on instalments was made possible by budgeting the family income, and as the months went by their ownership of the radio was achieved.

Stephen became absorbed with the radio, telegraphy and the field of electrical experimentation that had been opened up to him. His mechanical interest was further guided by having him enroll in an evening class, where his proficiency won him the regard of his teachers. Saturday afternoons on the baseball grounds, and an adequate allowance, were among the other means by which Stephen's drives and urges were recanalized into paths which led to his adjustment.

In Stephen's case, a well-rounded plan of activity, including individualization of treatment in regard to education, vocational training, employment placement, and de-

velopment of recreational resources, was all-important in his development.

Many instances similar to the above could be cited wherein the attempt to force an individual to follow an uncongenial mode of life, has developed repressions in him which have resulted in delinquency, and when the stimulating causes have been removed, there have been no further delinquencies.

*Criminal Parents*

Although the inheritance of criminal traits is a theory not accepted, the influence and example of criminality in the parents upon the children in the home is undeniable. Frequently, the same factors which have contributed to the development of criminality in the parents are present in the lives of their children. The children accept the viewpoint and philosophy of their parents. Other concepts of life are frequently alien to them, or misinterpreted. In the family of Alec W., all of the members were criminals.

> Alec W., age *29*, was sentenced to the State Prison for from ten to twenty years for Robbery. With two confederates, he had held up the paymaster of a construction company and robbed him of $4,500.00. From the paymaster's description, Alec was apprehended ten days later.
>
> Alec had been neglected from infancy. He was an undernourished anaemic child and versed in the ways of the street gamin. The neighbors complained to the Children's Society, who rescued Alec from the unwholesome conditions under which he was living, and at the age of eight, he was committed to an institution where he remained for two years. Then he was discharged to the custody of an aunt, who promptly returned him to his parents.
>
> Alec's school life was marked by three juvenile court commitments to a reformatory, and at the time of his present arrest, he had had nine previous incarcerations for larceny, burglary, and robbery.
>
> Alec's father had been a juvenile delinquent, and at the age of *15*, he had been committed to an institution after burglarizing a residence. Shortly after he was

paroled, he was returned to the State Reformatory for a similar offense. He also served sentences for two other felonies and from the age of *30* until his death, when Alec was *21* years old, the father was repeatedly intoxicated, and guilty of many petty misdemeanors.

The mother served several terms in the Workhouse for intoxication and shop-lifting. Her first commitment was at the age of *20*. She died of alcoholism when Alec was *17* years old.

There were three siblings. Alec's two older brothers were flagrant recidivists. Both began their criminal activities as juveniles, and at *32* and *40* years of age respectively, they had histories of commitments ranging from juvenile protectories to the State Prison, where they were both serving long sentences at the time of Alec's arrest.

The offspring of these criminal parents were acquainted in childhood with alcoholism and poverty, in youth with institutional life, poolrooms, promiscuous women, and delinquent companions, and in manhood with professional criminals and drug addicts. Under these circumstances, they developed into vicious and dangerous members of society. Although of average intelligence, their schooling in criminality both by precept and example was so thorough, so intimate, and so persistent, that from an early age they were confirmed criminals.

*Cooperation with Scotland Yard*

Effective cooperation with Scotland Yard checked the career of a faultlessly attired, well-mannered imposter who for years had successfully pursued a parasitical career in America:

Indicted for Forgery, the defendant, age *35*, presented an appearance in complete accord with his contention that he was an Englishman with a university education, of high standing socially, and of notable achievements.

In this country he had gained entree to highly respectable circles of society. He showed letters purporting

to have been written by well-known directors of motion picture productions, offering him large sums of money in return for the copyright of a novel he had written. Before his forgery was detected, he was able to raise several hundred dollars on the strength of his alleged prospects.

Cable communication with Scotland Yard established the fact that the defendant had been born in India of a Parsee father and an English mother. He was educated at an English school in Calcutta; he later studied law and was admitted to the bar in England. After his marriage, which he considered a mesalliance, he abandoned his wife and two children, whom he left in reduced circumstances in England.

Following his conviction, the revelation of his character and history resulted in a sentence to the Penitentiary, at the conclusion of which he will be deported.

Offenders charged with forgery, fraud and allied offenses were invariably of a high order of intelligence, with plausible and convincing manners which often had been developed through years of success in misrepresentation. The exposure of their shrewd and subtle hoaxes presented a formidable challenge to the investigative division of the Probation Bureau.

*A Drug Addict*

Louis A., lacking the stamina necessary for an orderly existence, endeavored to fortify himself with false courage by the use of drugs. Under the influence of heroin, he became a ruthless criminal, bereft of all regard for human life.

Stimulated by heroin, the defendant, age *26*, alone and armed, had entered a crowded Broadway restaurant and quietly held up the cashier, whom he threatened to kill if the contents of the cash register were not handed over to him. He received the day's receipts—a thousand dollars—had the doorman call a taxi, and was withdrawing without having alarmed the diners, among whom sat a police officer in civilian clothes. The cashier acquainted the police officer with the circumstances, and unarmed, he ran to the cab, grappled with Louis, hauled him out,

and although seriously wounded by the bullets that Louis discharged into his body, held him until help came.

The defendant, depraved by years of dissipation, ready to take human life if necessary to carry out his nefarious deeds, was convicted of Robbery, First Degree, and Assault, First Degree, and sentenced to the State Prison for thirty years.

The social diagnosis showed that Louis was the only child of parents who maintained him adequately. Of average intelligence, he graduated from the elementary schools at the age of fifteen without having attracted any special attention. His weak and unstable character, however, made him unable to adjust himself to the social and industrial conditions which he had to meet after leaving school.

Dissatisfied and restless, he soon left his home and began to drift from city to city, readily finding employment at his trade of printing.

Because Louis' early manifestations of personality deficiencies were not of a nature which brought him into conflict with others, and because his reactions, however much they damaged his psychological development and emotional balance, did not cause his parents, the school or the community to take cognizance of him, he passed on unnoticed.

Louis was unable to meet the responsibilities of life. His sensitiveness and lack of self-assurance made it impossible for him to hold any position long. He was manifestly psychopathic and of low moral concepts. Several of his employers reported that he had been discharged for theft, forgery, and kindred offenses. His associates had been from progressively lower levels in the social scale.

Marrying at the age of twenty-two, Louis shortly afterwards abandoned his wife, and thereafter had no communication with her.

His first arraignment for delinquency at the age of *16* resulted from his larceny from an employer. His subsequent criminal career included six court appearances, and sentences of 27 months in prison, during the last ten years, on charges of Carrying a Revolver, Burglary, Larceny, Robbery, and Possessing Narcotics.

Louis had been addicted to heroin, a habit he contracted

from his associates, for six years. Under its influence, a weak, vacillating character, he was transformed into a vicious and desperate criminal, whose liberty in the community presented a grave danger.

Drug addicts were never placed on probation. The drug addict requires protection from the temptations of ordinary community life, and it is essential that he should receive hospital care for the cure of his habit, and the building up of his physical resistance. The use of drugs not only causes mental, moral and physical deterioration, but it is frequently the result of deficiencies which have rendered the individual unable to meet the complexities of existence without artificial stimulation.

*Imprisoned for Life*

The Baumes Law, enacted by the New York State Legislature in 1926, in providing for more severe punishment for the criminal, makes it mandatory upon the Court to sentence to life imprisonment a person convicted of four felonies. In the narrative of William H., there are traced the steps by which he arrived before the Court as a fourth offender.

William H. was born of shiftless, intemperate, and immoral parents. Hence home training in William's life was a negligible factor; and, because he was an intractable pupil and a truant, the influence of school was practically non-existent in the formation of his character.

The family of five children and their parents lived in four damp, dirty, cellar rooms of a squalid tenement in a neighborhood infested with gangs. Three of the defendant's older brothers became criminals and served long terms in prison. For one untrained and undisciplined, it was easy to turn from the emptiness of such a home life to the lawless, high-colored existence of the streets.

At the age of nine years, William made his first appearance in the Children's Court. Three other arraignments followed for similar offenses, and he was finally sent to a juvenile reformatory. Released on parole, he

was soon returned because of truancy at school and disorderly conduct. Thus during his early years were the beginnings of those anti-social tendencies which characterized his adult life.

William became addicted to the use of heroin and morphine at the age of *20*. His circle of acquaintances were almost exclusively the figures of the criminal world, and to the police he was known as a professional thief.

William's adult offenses included five burglaries, and the unlawful possession of a pistol, for which he served total prison sentences of ten years and eight months. At the age of *27*, when William was sentenced to life imprisonment, under the Baumes Law, after his plea of guilty to Burglary, Third Degree, this offense constituted his sixth felony.

The policy of segregating for life those individuals who have become confirmed in criminality and who have failed to respond to probation and institutional treatment, is a sound one. In its application, however, discretion should be vested in the trial court. The question as to whether a person should be sentenced to prison for life cannot be determined intelligently by a mere count of the number of convictions recorded against him. Many a person who is a first offender is as anti-social as one who is a fourth offender. Legislatures should not make severe sentences mandatory, but should give the courts power to impose them where the circumstances warrant it.

*Serving the Public*

The public revelations by the Probation Bureau of the practices of baby farm keepers, as exemplified in the case of Anna X., resulted in wide-spread condemnation and in the speedy abolition of the custom of licensing boarding homes for large numbers of infants:

The defendant was a midwife from Central Europe, epileptic, of irascible temper, avaricious, and the mistress of a physician whom she assisted in performing abortions. An indictment for Manslaughter was pending

against her; her conviction on the charge of "Substitution of a Child" resulted in the imposition of the maximum sentence, three and one half to seven years in State Prison.

During the two years prior to the defendant's conviction, sixty-six deaths of infants under her care had occurred from marasmus, malnutrition, and broncho-pneumonia. As she kept no records, and as many mothers, counting their babies lost and desiring to avoid publicity, did not come forward to testify, the total number of deaths, substitutions, and unexplained disappearances could not be ascertained.

Witnesses, who had been employed by the defendant to care for the infants, and mothers whose children had suffered from brutality, starvation, and neglect, told a tale of infantile suffering unparalleled in the history of a civilized community.

The function of probation is not limited to diagnosing and treating the individual offender; probation, through making public the prevalence in a community of conditions that constitute a social menace, can arouse public opinion to demand improvement or elimination of these conditions.

*Some Aspects of the Problem*

From the cases which have been presented, a few general conclusions may be drawn regarding the problem of delinquency.

One point that stands out clearly is epigramatically expressed by Healy, who states "The dynamic center of the whole problem of delinquency and crime will ever be the individual offender."[46] It is also to be observed that practically all habitual offenders begin their delinquent careers in childhood or early youth. Moreover, conditions present during the formative periods of life have a strong influence on subsequent behavior. A fourth point, which is manifest, is that there can be no proper understanding or adequate treatment of an offender without knowledge of his constitutional

[46] William Healy. *The Individual Delinquent*—Page 22.

makeup, developmental history, his family and environment. Lastly, the seriousness of recidivism and the opportunities and values of early treatment of delinquency are self-evident.

Comparatively few people today realize how essential is a scientific technique in dealing with criminals, and the significance of a scientific approach to the crime problem. There is still to be developed also a popular appreciation of the fact that no crime can be treated apart from the individual who has committed it.

And despite the many conflicting views on crime and criminals which are in circulation, it would seem that there is one belief upon which a common agreement can be arrived at, and that belief is the necessity for—to borrow a French phrase—"the individualization of punishment." In the application of that theory an attempt is made to get away from sentimentality, from discredited notions of the value of severity of punishment as a deterrent, and face the need for scientifically treating each individual case in accordance with the facts disclosed, by a proper diagnosis. In other words, the plan is to approach the criminal intelligently, scientifically and psychologically, and not in the spirit of vengeance or stupid retaliation. Crime, like disease, cannot be treated *en masse*, but much can be done to prevent epidemics. Recurrent theories of retribution and revenge must give way to organized study and treatment of the delinquent.

In the advances of psychology, psychiatry, and psychoanalysis, in the recent studies of human behavior, and also in the increased knowledge of child life, rather than in the older fields of criminology and penology, lie the hope for a solution of our vast crime problem.

Enough has been said to indicate that crime and criminals present a many-sided and most difficult social problem. No one prescription will cure the evil. Serious thinkers realize the magnitude of the field and the need for logical, scientific study of individual delinquents. More and more also there is an agreement with the wisdom of Dean Pound, that, "Pre-

ventive justice is no less important than preventive medicine. If we think of the legal orders in terms of social engineering, it must be evident that sanitary engineering is not the least important feature. Prevention at the source rather than penal treatment afterward must be a large item in dealing with crime."

# CHAPTER XI

# ADMINISTRATIVE ASPECTS OF PROBATION

How shall the administrator reconcile the rival and often conflicting interests of the system with those of the probation officer, which means, ultimately, those of the probationer? A frequent and dangerous tendency of the administrator is to classify and standardize the work of his staff to such an extent that the individual worker is hampered and deterred from putting forth his best energies. On the other hand, the tendency of the probation officer is to make each case a law unto itself, so as to lose direction in a bewildering mass of details, and inevitably obstruct the proper functioning of the system. The administrator must determine the golden mean between excessive standardization and uniformity on one hand, and undue individualization on the other.[47]

[47] Edwin J. Cooley: *Proceedings National Conference of Social Work*, 1920. Page 154.

## CHAPTER XI

## ADMINISTRATIVE ASPECTS OF PROBATION

*Broad Vision Essential for Advance of Probation*

No stream can rise higher than its source. No probation system will surpass the vision which resides in the imagination of the judges, the probation executive, or those who, in the last analysis, are responsible for the success of probation systems. Nothing is more essential than that the persons responsible for the organization and administration of a probation system should themselves possess a clearly defined comprehensive vision of its goals and standards, and the most effective ways of putting these into effect. As at no time previous, probation requires the infusion of new blood, of vigorous resourceful leadership, and the invaluable impetus which the addition of high-minded and capable executives would contribute to its cause.

*Major Executive Problems of the Bureau*

The executive problems of the Catholic Charities Probation Bureau resolved themselves into six major groups:

1. The formulation of a comprehensive administrative plan.
2. Maintenance of proper relations with the Court, Judges, and other legal agencies.
3. The administration of the probation work which included:
   a. Assembling, training, and supervising the staff.
   b. Prescribing the course of procedure.
   c. Drafting and putting into effect the necessary forms and records.

4. The development and crystallization of probation methodology.
5. Other contacts.
   a. Social agencies.
   b. Public officials.
   c. Publicity media.
6. Administrative aspects of supervision.

### 1. Formulation of Administrative Plan

The necessity for the formulation and putting into effect of a logical plan of organization and administration was recognized at the outset of the new Bureau. Every effort was made to meet this need so that the work would proceed in an orderly fashion from the beginning. This was difficult as the new organization was inaugurated in a month when there was a heavy court calendar in addition to the supervision of several hundred probationers, the legacy of the previous regime. Avoidance was sought of a haphazard rule-of-thumb course of procedure which would inevitably have resulted in the neglect of some essential elements of the problem and even complete failure and breakdown of the whole system. A conscientious survey of the problem presented by the work of the Bureau proceeded concurrently with the handling of the daily business.

A chart was made showing the interlocking relationship between the Judges, Catholic Charities, other social agencies, the District Attorney, the Police Department, public institutions and agencies, the Chief Probation Officer, and the staff. Policies were formulated, standards were set, and the duties of each member of the staff were prescribed.

The above material was incorporated in the manual of the Bureau and was supplemented by codes of instructions, daily bulletins, and memoranda on extension of activities. The manual was in loose-leaf form with serviceable covers,

and pages were added from time to time for the further elucidation of various matters. It was a distinct aid to orderly administration.

### 2. Maintenance of Relations With Legal Agencies

*Cooperation with the Court and Judges*

The probation executive is responsible to the Judges of the Court for the administration of the probation system. The understanding and sympathetic cooperation of the Judges is invaluable in promoting the effectiveness of the probation organization and the treatment of offenders. The Court is clothed with the supreme power of determining the disposition of defendants and fixing probationary conditions. Upon the approval and appreciation of an intelligent court depends the maintenance of the highest standards of work of the probation bureau. The desire of the Judges of the Court of General Sessions to further the interests of the probation system was evidenced by their assistance in the formulation and in the support of necessary probation legislation, which served to enlarge the scope of probationary responsibility and also to provide adequate financial support. It was the duty and privilege of the Chief Probation Officer to present to the Court the larger aims and values of the probation service and to bring before it examples of high attainment in other parts of the country. The cooperation between the Court and the Probation Bureau was effected and advanced by conferences of the Judges with the Chief Probation Officer and by the exchange of written communications in which general and specific plans and objectives were set forth.

The endeavor on the part of the Probation Bureau to render prompt and efficient service was recognized by the Court and a fine spirit of mutual understanding and cooperation was developed. Thus, by the elimination of restrictions

and handicaps the Probation Bureau was given full opportunity to carry on its essential work and to function to the best advantage.

*Relation with State Legislature*

Of the utmost concern to those interested in the welfare and advancement of probation are the probation laws of the State. Unless the law provides for an adequate and efficient probation staff and adequate financial support, probation work will be badly crippled. When the law is inadequate and disadvantageous, the friends of probation, chief probation officers, and other social workers, in cooperation with the courts, should draft and work for the enactment of necessary legislation. As related in Chapter III, one of the early activities of the Catholic Charities Probation Bureau was the promotion of the passage of the Hackenburg Bill in the New York State Legislature, establishing a publicly supported Probation Bureau in the Court of General Sessions.

### 3. Administration of Probation Work

The organizing, training, and supervision of the probation staff in accordance with the Juvenile Court Standards were probably the most important problems presented. College trained applicants were obtained by cooperation with the American Association of Social Workers, social agencies, colleges, and through advertisements inserted in social service publications.

*Division of Staff*

The probation staff was divided into two corps, adequate in number,—the investigation and supervision officers. Under the widely known method requiring one officer to investigate current cases before the court and also to supervise a large number of probationers, the inevitable result in many probation systems has been the relegation of supervision to occa-

sional moments spared from investigation. The idea that one officer could do capacity work in both phases of probation at the same time has been exploded. Through the establishment by the Bureau of separate corps of investigators and supervisors, much was done to develop the specialized abilities required of the investigation and supervision officers.

The argument that the officer who investigates a case should be the one to carry on the supervision of the probationer has little foundation in practice anywhere. Any officer, upon taking over a district, or cases presenting certain problems, inherits cases investigated by his predecessor. Under the district system also, probationers move into another officer's territory. Upon sentence and release on probation, those who return to homes in distant cities are under the supervision of their local probation officer. Local youths placed on probation in other jurisdictions who were permitted to return to New York must be supervised by local probation officers. Finally the most conclusive argument for the division of staff was the day in and day out constructive advantage of full time effort in both fields, and it is only by full time effort that adequate results can be achieved. *Investigation or supervision is not a part time job.*

*Training and Supervision of Staff*

Each probation officer was supplied with the manual issued by the State Probation Commission acquainting him with the responsibilities and opportunities of his position. Staff meetings and case conferences with supervisors, supervision of case planning, difficult case conferences, monthly revision of plan and plan checking, direction of procedure, assigned reading, attendance at classes in sociology and case work, consultation with case workers and clinicians and attendance at case committee meetings of family welfare agencies were some of the efforts made to advance the knowledge and increase the efficiency of the personnel.

The case work of the Bureau was supervised by a Director of Investigations and a Case Supervisor.

*Prescribing the Course of Procedure*

The standard plans for procedure in diagnosis and supervision were typed, and each officer had this material included in the Bureau manual. The details thereof were discussed at conferences, and the work of investigation and treatment was required to conform to these outlines. Any vagueness or lack of understanding on the part of the officer could thus be discovered in the reading and revision of his reports and histories, and individual instruction on mooted questions was available.

The standard of weekly reporting by probationers, two home visits and one employment visit monthly, and other suggested contacts, outlines of history for clinics, interpretation of the findings of psychiatrists and the follow-up of their recommendations, cooperation with other agencies, and the procedure in the various phases of probationary treatment were recorded in the manual.

*Esprit-de-Corps Necessary*

> An *esprit-de-corps* should be cultivated in every group of probation officers. Jealousy, gossiping, disloyalty or concealed criticism hurt the work. In many probation offices cooperation is developed by frequent conferences, usually weekly, in which the work in all its details is discussed. The chief probation officer asks for frank criticisms of the work, with suggestions for its betterment. Such conferences tend to eliminate all friction and to promote a strong, successful type of work.[48]

No successful service, depending for its accomplishments upon the work of a large staff, can be achieved entirely by the vision, planning, oversight, and unaided effort of any one individual. The Bureau was fortunate in having the enthusiastic cooperation and untiring team-work of the staff.

[48] Flexner & Baldwin, *Juvenile Courts and Probation*. Page 109

*Clerical Staff, Equipment, and Quarters*

The work of the probation officers was facilitated by an adequate stenographic and clerical staff. The unwise economic policy of overburdening probation officers with clerical duties, longhand writing of reports, and filing of case material was thus avoided. Suitable supplies and furnishings, modern mechanical devices, and other office equipment were carefully chosen and always available.

The administrative offices included the office of the Chief Probation Officer and a very large, well-lighted and ventilated and readily accessible room for the clerical staff. Here the office manager had under direct supervision the work of the stenographers, typists, file clerks, and switchboard operator, etc. The work of the statistical department was carried on in a quiet office removed from interruption and the noise of the typewriters. The supervisors of investigation and supervision and the probation officers had adequate privacy for interviews, dictation, record work, and conferences.

*Forms and Records*

All reports made to the court were typewritten. All contacts were entered on case histories. Summaries of contacts were mailed to inquiring social agencies—either originally or confirming verbal reports which may have been requested.

A well-planned system of forms, records, filing, and statistical analysis was maintained by the Bureau. Carefully drafted forms for the purpose of field study and inquiry, of presenting reports to the Court, for case history entries, for statistical, probationers', case history and other cards, and discharges from probation helped to standardize the work of the Bureau.

### 4. Development and Crystallization of Probation Methodology

Probation, in order to reach its highest development and in order to perfect a methodology of its own similar

> to that of other professions, must sharply define its wants, its problems, and its methods of procedure. The medical profession, for example, as an organized body, fixes its rates of compensation, formulates its own code of ethics in accordance with objective morality, determines in the main the body of its knowledge, criticizing and refining it constantly, and develops its technique. Similarly, probation must work for an improvement of the conditions under which it must labor, and, by means of experiment, analysis, and careful planning, must work out a methodology or technique of procedure.[49]

In establishing the Catholic Charities Probation Bureau, it was the desire of Cardinal Hayes not only to put into practice the finest standards of probation service but also by the research work and analysis of the Probation Bureau to formulate a comprehensive probation methodology. The methodology evolved was tested currently, so that as the work progressed, definite knowledge regarding the value of the newly launched procedure was available.

A further aim was the publication of the administrative procedure and standards of methodology evolved, in the event that the experimental work produced definite results and an advance in probation knowledge. Details of the methodology are set forth in Chapters IV, V, VII, and VIII and illustrated in VI and IX.

### 5. Other Contacts

*Social Agencies*

"When you find a probation officer," says Eliot, "who believes in 'minding his own business' and working independently of other agencies, there you have found a dead probation system. Until a probation office has become the focal or at least a vital part of a system of community welfare, it cannot be called a truly socialized agency. It may perforce

[49] Edwin J. Cooley, *Proceedings National Conference of Social Work*, 1918. Page 141.

work with other community agencies going through necessary legal forms, but that is not true cooperation." [50]

At the outset of the work of the Bureau, it was recognized that efficiency in probation involved the cooperative service of many kinds of skill and many points of view. It was understood also that cooperation spelled both efficiency and economy—efficiency in getting results and economy in utilizing many agencies by team play with a minimum of expense and a maximum of interstimulation.

The rewards of well-founded cooperation are portrayed by Mary E. Richmond as follows:

> Cooperation based on responsibility for the result of our social acts, cooperation advanced by sound and thorough professional training, fostered by good will, by social zeal, and by unhampered freedom of discovery, leads us away from 'understandings' and into a daily deepening understanding. This latter is a matter of the spirit.[51]

The Catholic Charities Probation Bureau sought the cooperation of the various social agencies of Greater New York and also of those in other parts of the country. Likewise, it extended its cooperation to the service of other agencies when so requested. Inasmuch as its unit of work was the family, it naturally required the aid of many agencies to maintain this standard. It depended also upon other agencies to carry out its plan for giving more wholesome outlets to the energies of individual probationers. It also attempted to articulate available resources for social work in various districts and bring them and the Probation Bureau into conscious association.

The case work of the Bureau was organized in part to consider the channels of health, education, employment, the family, recreation, spiritual development, and thrift. Con-

[50] Thomas D. Eliot: *The Juvenile Court and the Community.* Page 70.
[51] Mary E. Richmond, *Social Diagnosis.* Page 296.

sequently, the cordial support of the social agencies of the city was necessary to carry on this character of service.

Important in the maintenance of a broad viewpoint on community problems and a detailed knowledge of civic resources was the contact of the probation staff with the personnel of other social service organizations. Thus, there was gained a finer perspective of probation work and its even development and smooth functioning as a productive unit in the great field of social work.

The necessity for keeping in touch with advances and improvements in the field of probation throughout the country was emphasized by the Chief Probation Officer at staff conferences. Attendance at national and state probation conferences, conferences of social work, mental hygiene and allied subjects, at case committees of other agencies, and membership in associations of social workers, were some of the means utilized.

*Public Officials*

In the work of the Bureau the importance of the right sort of contact with public officials and members of the judiciary and the legal profession was not minimized.

The cooperation of the police was fundamental to the social diagnosis of delinquents. The establishment of the fingerprint system of the Bureau and the ready accessibility of all the records of the Police Department and of the Department of Correction resulted from their cooperation. From their records were obtained a first-hand knowledge of the criminal histories—whether the defendants were recidivists, drug addicts, or otherwise known to the police.

The cooperation of the Federal and State Bureaus of Criminal Identification, of the Army and Navy, and other governmental departments was essential, and opportunities to promote well-ordered exchange of data between these organizations and the Probation Bureau were utilized. The case work with delinquents was facilitated by the exchange, with various

state institutions, courts, parole and probation bureaus, of social and criminal records of offenders. Through this means were traced the moral and social progress and retrogression of the defendants, and adequate premises were thus made available for arriving at conclusions regarding suitable treatment.

As the work of the Probation Bureau could not in its standards and its scope transcend the vision of the Judges of the Court, they were kept in continual touch with the developments and needs of the system. The unfailing support and friendly regard of the Judges was a constant source of strength.

Much loss of time and conflict was avoided, and a solid basis for mutual understanding was built up by clarifying to the members of the legal profession the functions, duties, and aims of the probation system. Well-informed counsel for the defense did not err in thinking of the Probation Bureau either as an arm of the prosecution or as affording an opportunity for leniency in unsuitable cases.

The relationship between the Probation Bureau and public officials was uniformly friendly, and the cooperation resulting was exceedingly valuable.

*Publicity Media*

The education of the public is a too often overlooked phase of probation activity. There has been such a dearth of publicity in regard to probation that many critics have deplored the lack of authoritative information in regard to it.

Moreover, since the probation system is supported by public funds, the public is entitled to current reports on the progress and results of the probation work. There is a great need for educating the public in regard to the aims, the methods, and the accomplishments of probation.

The Bureau sought to do its part by the publication of reports, bulletins, and studies, and articles disseminated by current magazines and the daily press. The object was to familiarize the public with the activities of Probation and

to correct misconceptions in the minds of the critics of the service.

The Chief Probation Officer and members of the staff also presented papers, took part in discussions, and exchanged experiences with fellow probation workers, at state and national conferences.

A fuller account of the publicity activities of the Bureau is given in Chapter XII with some specific suggestions in regard to publicity methods for probation workers.

### 6. Administrative Aspects of Supervision

*Period of Probation*

The average period of probation was of three years' duration and was followed by a friendly post-period supervision. Realizing that through intensive case work a youth who is placed on probation for a long period of time is much more likely to become permanently adjusted in the community, the Judges were inclined to impose adequate supervision terms. More time and opportunity were thereby afforded the probation officer to study the probationer, to plan effective treatment for his rehabilitation, and to render practical service to that end. No probationer was discharged until the case objectives had been realized. Where these had not been achieved, the period of probation was extended.

*Pre-Sentence Investigations in All Cases*

A comprehensive preliminary diagnosis had been made by the investigation officers of the Bureau in all cases prior to sentence. Thus there was available to the supervision officer and the Case Supervisor a valuable history of the developmental background and personality of each probationer.

*Assignment of Cases*

The number of supervision officers was adequate, so that it was possible to hold each officer responsible for only fifty

cases at any one time, usually assigned according to the district plan which was best adapted to the metropolitan area. The advantages of thus limiting the work to a restricted area were:

1. It economized the time necessary to cover the territory.
2. It obviated overlapping of territory.
3. The officer thus became familiarized with the people and different sources of information in his district.
4. Frequent contact made him better acquainted with the social agencies, the clinics, the recreational facilities, the pastors, visitors, and other church workers, the school authorities, and other available sources of cooperation and opportunity for his probationers.

It was not expected that any probation officer could spread himself out so widely as to be all things to all those under his care. He was considered rather as an analyst and organizer who would draw whenever necessary upon the resources and aid of the local welfare agencies.

Special problems of personality and those requiring especially experienced direction in regard to individual difficulties were assigned to officers who were best equipped to meet their needs. Women probationers were supervised by women officers.

*Instructions to Probationers*

On the occasion of the first interview with each probationer at the Bureau, he was given a written copy of the probationary requirements and of the specific instructions of the Court in his case. These instructions were incorporated in the case history, and the order of the Court, regarding the delinquent's behavior on probation, amount of restitution to be made, how payable, and the future steps, was readily available to the supervision officer who saw to it that they were carried out.

*Reports and Visits*

Probationers under the supervision of the Bureau were required to report weekly, except during periods of unemployment, when daily visits to the office were demanded. Reports were received at the Bureau five nights a week, and the time was so arranged that haste was unnecessary in dealing with the individual. Undesirable commingling of probationers was prevented and each officer received his probationers individually in a private office.

Out-of-town probationers reported to the Bureau by mail weekly and to the probation officer in the local community in person. In some instances, also, out-of-town family welfare agencies were requested to assume supervision over the probationer and his family.

Home visits were made regularly twice monthly by the supervision officer and more frequently when circumstances warranted. The places of employment were visited monthly.

Opportunities were sought that would enable the probation officer to gain further insight into the probationer's personality and environment. In accordance with the emphasis on individualization of treatment, proper consideration was given to the psychological background and racial differences of probationers and the members of their families.

*Cooperation with Other Agencies*

All cases were cleared through the Social Service Exchange, and thus the knowledge and experience of other agencies with known families became available to the probation officers. The assistance of other organizations and, in particular, that of the agencies under the direction of the Catholic Charities of the Archdiocese of New York was enlisted in behalf of the probationers to provide opportunities and services which the Probation Bureau was not equipped to supply.

The Bureau considered itself as merely a component part

of the great ameliorative forces of the city, and the different resources of the community were sought out and utilized in the solution of the problems of its clients. Each probation officer regarded himself as a social engineer, tapping whatever power resources were at his command for the benefit of the probationers.

*Case Analysis*

The supervision officer devoted his time intensively to each case for a sufficient period to become thoroughly familiar with the problem and needs of the individual after he was placed on probation. Following the personal interview at the Bureau, visitation of the home and employment, and consultation with the social agencies, a case analysis was drafted. This included a consideration of the problems presented, the causal factors, and the plan of treatment, evolved by the officer in consultation with the Case Supervisor.

The case analysis sheets provided the probation officers with a specific outline for the treatment of the probationer. Recommendations of the examining physician, psychiatrist, and psychologist were included. The probationer's educational, recreational, spiritual, economic, and other needs, and how they could be supplied, were specified.

*Monthly Revision of Plan*

The supervision officer kept the plan of treatment definitely in mind, and all of his work was directed to carrying out its provisions. Any emergent circumstances were brought to the attention of the Case Supervisor immediately, and in every case there was at least a monthly check-up and revision of the case analysis. Changing problems, new or remedied causal factors, the successful completion of some plans, and the adoption of new ones were recorded. Progress was noted in gaining insight into the probationer's personality and environment, in effecting transference of his objectives, in the

development of his personality, and the establishment of adequate and stimulating social relationships.

Thus, there was available a comprehensive summary of the actual condition of each individual.

*Case Conferences*

At weekly case conferences, cases selected because of the difficulty or uniqueness of their problems were discussed. The principal elements of the case were reduced to writing and distributed to the members of the staff. A discussion of the case, consideration of progress, and suggested changes in procedure often led to an improved plan and achieved the desired results in advancing the welfare of the individual.

The cases selected were chosen by the Case Supervisor in conference with the supervising officers.

*Violators and Absconders*

The supervisory process of the Bureau was social case work with the added power of the law behind it. Probation was not permitted to be merely a suspended sentence with the incidental advantages of oversight and admonition on the part of the probation officer and without recourse to severe measures if the admonitions were not heeded. Probationers were not allowed to disregard the instructions of the probation officer with impunity, for the Judges supported the officer in requiring observance on the part of the probationer of the terms and conditions of his release.

Probationers could not drop out of sight by the simple expedient of a change of address. Absconders and other violators of probation were followed up and evasions of probationary oversight were reduced to a minimum. Probationers were not permitted to leave the jurisdiction of the Court without the permission of the Judges, and when such permission was granted, they were placed under the supervision of the probation officer in the new community and were further required to report by mail to the Bureau.

When the behavior of the probationer was unsatisfactory, other methods failing, he was brought into Court for a reprimand or warning or for sentence. Warrants were issued promptly for violators. The interest of the probation officer, however, did not cease at this point, and he made constant efforts to facilitate the execution of warrants for violators. All available information was furnished to the warrant officer, and the probation officer was unceasing in his efforts to aid the police in apprehending these offenders. Through cooperation with the lower courts and the other criminal courts of the State, the Bureau was immediately advised of the re-arrest of probationers.

Violation of probation warrants were lodged against probationers who were sentenced on other charges. Extradition proceedings were instituted against absconders and violators located in other states. On all arraignments for violation of probation, the cases were adjourned for one week in order to permit the probation officer to make a thorough examination of the facts and to present a complete report for the consideration of the Court.

Information regarding the arrest or indictment of any probationer was obtained from the police, courts and the Indictment Bureau of the District Attorney's Office.

*Discharge from Probation*

The period of probation, although definitely fixed, was practically indeterminate, since a continuation of supervision was requested in all cases where there was any uncertainty as to the permanency of the adjustment.

Probationers who were in an undesirable position economically, physically, mentally, spiritually, or socially were not recommended for discharge, but were rather the object of continued probationary effort.

Previous to the discharge by the Court, a summary of the history of the probationer, the contributory factors in his delinquency, his reactions to probationary treatment, and the

subjective and objective results obtained was presented to the Judge.

*Bureau Attendance and Case Histories*

Each supervision officer devoted three half days a week to Bureau attendance. Supplied with stenographic service, he dictated a minimum of seven entries a month in each case. There were four probationer's reports to the Bureau, two home visits, and an employment visit, in addition to reports from and contacts with other agencies, daily reporting by the unemployed, and entries regarding special efforts of the officer and the probationer to advance any objective.

These contacts and activities constituted opportunities for the subjective discernment and evaluation of the probationer's personality and environment and for gaining an appreciation of his problems. The case history entries recorded the probationer's reaction to his experiences, his response to supervision, his attitude toward probation and the probation officer, and the probation officer's impression of the probationer, and observations regarding his progress in adjustment, within himself and within the community. The probation officer's recognition of the necessity for keeping in mind the future years of the probationer and his efforts to hold up to him ideals of behavior, inspire him with new visions and goals, and guide him into channels productive of character building were reflected in the pages of the case history. It was apparent therein whether the probation officer had succeeded in avoiding those manifestations of undesirable probationary supervision which work harm rather than good.

The study and analysis of the case history by the Case Supervisor and case readers brought to light its strengths and weaknesses.

During the period of Bureau attendance there were written outlines for clinical examinations; summaries of Bureau contacts for other agencies; advices to Social Service Exchange of changes in addresses, family, or other matters of registra-

tion; necessary records were kept; probationers whose hours of employment prevented them from reporting at the regular time were interviewed; and social workers and other persons interested in the probationers were seen. Consultations with the Case Supervisor, staff and difficult case conferences, and first interviews with newly assigned probationers were important activities during the hours spent in Bureau attendance.

*Results of Supervision*

A careful analysis of the current results of the supervision work of the Bureau indicates that 85% of the probationers will be permanently adjusted in the community.

The high percentage of apparently successful results is due to four factors:

1. Careful selection of probation material. (Only 18% of the cases investigated were placed on probation.)
2. The service of college trained and enthusiastic probation officers of good personality and character.
3. Individualized, scientific, social case work as the standard of supervision in each problem.
4. Ample resources and equipment.

*Summary*

The problems of probation administration and organization cannot be exhaustively treated in a single chapter. It is hoped, however, that the important elements discussed herein may be of some help and value.

The increased appreciation of the importance of selecting executives with extensive practical experience, large vision, and desirable personality equipment, to select, organize, supervise, and maintain the *esprit-de-corps* of the probation staff, is a favorable sign. The critics of probation sometimes overlook the youth of probation and forget it is still in its for-

mative period. Although probation laws are on the statute books of every state in the Union, these laws in a large number of cases are merely permissive. In a great many communities probation has not been actually established. The fact that there are only 3,000 probation officers employed in the courts of the country indicates that there are many jurisdictions in which probation service is not maintained. There remains a great deal of pioneering and missionary work to be done before probation becomes nationally accepted and established. Among the probation systems which are organized in the country, the number in which their plan of organization, administration, and service can compare with modern social agencies in other fields is, regrettably, all too few. The educational work among the probation workers and probation supporters in all communities, in order to bring their probation systems up to the best standards of work extant, must go on, and the friends and promoters of probation must be unflagging in their efforts if they are to achieve their aims. And these aims are to achieve in probation practice the objective of social case work which has been well described as skilled effort "to develop within the individual his fullest capacity for self maintenance and at the same time assist him in establishing for himself an environment which shall be as favorable as possible, to his powers and limitations." [52]

[52] *Vocational Aspects of Family Case Work*: American Association of Social Workers. Page 10.

# CHAPTER XII

# INFORMING THE PUBLIC

Social service is a by-product of our industrial and economic conditions. It is not a private, distinct, and sacred thing to be snuggled jealously to the trained breasts of a little group of social workers, to be fondled in technical terms which confuse the public mind, and to encourage more and more disparagement of "uplifters" and "meddlers". It is not even the exclusive concern of a select group of patrons who give zealously and generously themselves, their time, and their money. It is the concern of the great masses of people who inhabit our cities, our rural communities—people who are responsible for, and are affected by conditions. They are the ones who must become thoughtfully intelligent on these matters if we are to move toward any betterment.[53]

[53] Georgia M. Bowen, *Proceedings, National Conference of Social Work.* Page 505.

## CHAPTER XII

## INFORMING THE PUBLIC

*Popular Interest in Crime Problem*

One need do no more than pick up any of our daily newspapers to obtain an idea of the extent of current public interest in crime. Day by day, to meet the demands of their readers, up-to-the-minute editors are filling a goodly portion of their columns with news concerning offenders and offenses. And singularly, there is a readily discernible trend on the part of newspaper writers to give offenders the individualized news treatment that is a counterpart of the probation officer's attempt to give him individualized social and diagnostic treatment.

*Publicity—A Neglected Opportunity*

With the probation officer hailed as an expert criminologist there is a danger constantly that his work will be dragged out into the light of a too early publicity, and that his chance statements will be published as general truths.

Despite this danger, however, and the evils which attend bad and undesirable publicity, probation publicity on the whole has been a neglected opportunity.

While great care should be exercised in regard to the publicity which is issued, nevertheless, more attention should be given to the necessary task of informing the public. Thus there is avoided losing partially the value of the work that has been done by letting the general public remain entirely ignorant of it, as opposed to broadcasting a knowledge of the service and thereby insuring greater cooperation and the increased support of public opinion.

We are not so far from the beginnings of probation, nor on the other hand are we so callow in our newness that we are without any perspective. The public should have knowledge of the workings of probation, and probation needs the public's support based on their correct understanding of its aims and methods. In the social work of the courts publicity and cooperation are important instruments.

Moreover, outside of the few general restraints imposed by a wise caution, the probation officer has access to publicity opportunities that are all too frequently overlooked. Somehow, the idea has arisen that publicity seeking is a sort of shamefaced affair to be gone about in great secrecy, if at all. The proponents of the thought, nevertheless, have few suggestions to offer as to how probation can, without the presumably despised publicity, obtain the recognition it deserves in a world where everything else is advertised, boomed, and exploited to the nth degree.

*Publicity as a Duty*

There is, moreover, on the part of probation officers a definite and serious obligation to constructively inform the public as to their methods and accomplishments. Granting that diagnosis, case work, prevention, and research are sanely scientific operations working towards the salvage of delinquents and the protection of the community, must it not further be admitted that the disseminating of information on the methodology and results of these processes is an unavoidable duty to the community?

Nor need this dissemination of knowledge assume the character of a dry lecture or a statistical report. Human interest stories, the presentation of the findings of research work, a fund campaign story, or articles endorsing needed legislation can, if intelligently written, carry along with their current interest, a sprinkling of standards and principles that are lasting. The material is at hand, a generally interested

public is eager for information; there is lacking only constructive application and direction.

*Education of the Public*

For the advancement of any great imaginative and practical project dealing with social betterment, there is need of public support, and this cannot be had without adequate publicity. There must be a broader, clearer realization on the part of probation executives of what publicity can mean; a wider vision of the importance of establishing correct relations with the public on the part of the probation bureaus; a greater cooperation on the part of all to work for the common good which can be established only as the community comes to see that it *is* good. There must be a widespread and clear knowledge of probation work—not so much of the machinery and process which are not especially interesting to most people, but of the human situations, of the mental and physical ills, of the handicapped, the untrained and those whose delinquency could in many instances have been predicted because of unfavorable heredity and environment.

As the public becomes more familiarized with probation and more intelligently informed of its activities and purposes, it will generally become better disposed toward it and will realize the scientific value and soundness of its aims. Probation cannot long exist progressively unless it be assisted by publicity designed to effect these results.

*Interest of the Community*

Probation, dealing as it does with the delinquent, is of interest to the community for the same reason that the delinquent is of interest. People generally are concerned, if only through curiosity, with the lot of their less fortunate fellowmen, and this concern can be fed and stimulated through the publishing of observations relative to the criminal before, during, and after conviction, and in prison or on probation.

Data on the mentally clouded and maladjusted members of the community in general will be welcome.

Attention-arresting, understanding, and understandable annual reports, well-prepared and educational literature, and "human interest" stories involving no exploitation of the offender will be of further service in advancing the welfare of probation.

*Probation Activities*

If the public at large is admittedly interested in the crime problem, it is also logically interested in the measures that are being taken to suppress and prevent crime. Probation officials, therefore, have it incumbent upon them to secure proper publicity from time to time that the public may know what is being done by probation and what are its difficulties and results. The responsibility in this direction is one that will not be sidestepped by any modern, enlightened probation officer.

*Expression of Responsible Stewardship*

Publicity also, in addition to the other views that may be had of it, is a means for the expression of responsible stewardship.

A probation system that recognizes its obligation in this matter will secure the publicity that explains, that stimulates, that clarifies, that fights, that defends, that gives to the public the knowledge it has a right to ask. The public has a right to be conversant with the activities of probation and is entitled to know its methods and findings.

The process of persistent dissemination of probation news is not only mandatory upon probation officers; it is vital to their success; it is vital to ward off defeat. Probation officers must publish facts and findings and must constitute themselves the guides of the public, or they will arrive not infrequently at the embarrassing situation of being forced

to appear on the defensive in problems where the principle has seemed to them so axiomatic as to require no emphasis.

*Moulding Public Opinion*

The greatest and most satisfactory safeguard against the formation of an unjust and erroneous public opinion with regard to delinquents is the moulding of a just and correct communal attitude. Probation hitherto has been commended for its accomplishments and frequently forgiven for its shortcomings, but with the dawn of a new era in the efficiency of probation theory and methodology, this condition will no longer exist. Probation work will be closely scrutinized and an account of their stewardship will be demanded of probation officers. Probation will need then, as it needs now, adequate publicity.

To this end, contact and cooperation with the press should be improved, visits of reporters to the bureau should be met with cordiality, and every effort should be made to enlist their interest and to put into practical application their helpful suggestions.

There are abroad today many popular misconceptions on matters relative to probation, and others equally erroneous will arise in the future unless existing misunderstandings are corrected and those of the future precluded, through the intelligent use of carefully prepared publicity.

*Slighted Activities*

Many probation executives have found their work developing in so many directions that many essential activities had to be slighted. And yet even under the pressure of current responsibilities it is imperative that the necessity for the education of the public be not overlooked. Of equal importance, if probation officers are to educate, if they are to occupy sure ground in their publicity, is the necessity for the development of a better technique and a larger knowledge of the social sciences.

*Resume*

Two things, at least, are needed in probation work—publicity and cooperation. The public needs the knowledge of the experienced worker with delinquents. The worker with delinquents, as in every field of social work, needs the support of the public. Cooperation with other groups of social workers is vital. No one organization or group can afford to stand aloof.

*Examples of Educational Publicity*

Newspapers are always willing to publish constructive and educational articles on crime, and to probation officers this furnishes at once a responsibility and an opportunity.

What can be done to bring about a more fundamental and a more accurate public opinion on crime and criminals is indicated by the following illustrative excerpts from published articles which had to do with the work of the Catholic Charities Probation Bureau.

*Justice and Probation*

That probation is a positive and punitive force, governed by the principles of truth and justice, and not merely a sentimental coddling of criminals who are by that method enabled to escape penal incarceration, was the subject of an interview with the Chief Probation Officer of the Bureau, which was published by the New York Evening Post on January 19, 1925.

The following paragraphs are indicative of the trend of the article:

> The end of all our legal institutions is to secure justice, and it was in the fulfillment of this end that probation was born and came into our criminal courts. Of it the Page Commission (New York State, 1910) said: "We know of no more marked step forward in the administration of criminal jurisprudence than the probation system." Probation is the agent of justice—an important aid in the administration of true and discriminating

justice. In the public mind, probation has been identified largely with charity and has been regarded almost entirely as the act of a merciful and lenient judge. It is, however, in the light of a vital and integral part of the machinery of justice that I would like to discuss it.

It has been asserted that probation establishes a new principle of justice, that with it retribution and punishment cease, and that justice gives consideration only to the rebuilding of the career of the individual convicted. We have not changed the principles of justice, but merely the practices of penology. Justice means that we must give each man his due. Probation includes the upbuilding of character of the offender, but it does not exclude retributive justice.

Ofttimes justice must punish severely. The leaders of probation insist upon this. The ancient theory that restitution is a part of justice still remains in these courts. If a man has deprived another of his property, or has destroyed what belongs to his neighbor, under the law he may be sentenced to a term on probation, during which he must either return what he has taken, or make reparation for the damage he has caused.

We have established no new theory of justice. All that we have done is to apply the old principles of justice in a higher and finer degree, without the cruelties which seemed so essential to the administration of the law in the days gone by.

A separate division of the probation department has been established for the purpose of seeking out for the judge the facts which will aid the court in determining whether the defendant should be placed on probation or dealt with otherwise. This is the investigation division.

Before sentence is imposed upon a person who has been convicted, one of the probation officers thoroughly investigates the business, home, social relationships and criminal record of the defendant, so that the judge may know not only the case before him, but something about the character and career of the defendant.

In this way, the investigation division of the probation department is able to point out to the judge for his severest sentences scoundrels who are seeking his pity. The investigation is not made for the purpose of appeal-

ing to the judge to put the man on probation. It is made to aid the judge in discriminating on well-grounded information, so that he may send the rascal to jail, and the decent unfortunate to liberty under the supervision of a probation officer.

What is being called to attention is the strength of the probation system. It is not a sentimental or charitable institution. The ultimate criterion of justice is truth. The probation officer seeks out the truth as an agent of the judge, so that where punishment should be the norm of treatment, the judge may administer it with full confidence that no mistake is being made.

*Preventing Faulty Character Development*

The New York Times on December 7th, 1925, published the following paragraph relative to an article printed in Better Times in which the Rev. Robert F. Keegan, Director of the Catholic Charities Probation Bureau, indicated the futility of depending on severer crime penalties alone to curb crime:

> The Rev. Robert F. Keegan, Secretary for Charities to Cardinal Hayes, deprecated the spirit which urged return to whipping posts as neglectful of the human aspect of the problem. Elimination of faulty character traits and arresting of their development through probationary agencies appealed to him as the necessary approach. Treatment of offenders should be individualized, he said. Indiscriminate severity he regarded as a failure.

*Probation and Parole*

There has been much confusion between the terms "Probation" and "Parole", and there does not exist in the public mind a clear distinction between the two systems, with the result that it is difficult for the public properly to appraise them. The New York Evening Post, on August 25th, 1925, published an article by the Chief Probation Officer of the Catholic Charities Probation Bureau. The following paragraphs may be cited:

> Much confusion has arisen from the indiscriminate

use of these terms. Each has acquired a specific meaning as used generally in the statutes of this State.

Probation is the term used in connection with the release of an offender under a suspended sentence and without imprisonment, but under the oversight of a probation officer for a definite period, and for the purpose of reclaiming him from his evil courses.

Parole is the term used in connection with conditional release from a penal or reformatory institution after a period of incarceration therein.

The principal advantages of probation are:

The court is enabled to deal with each offender according to his individual needs by having a probation officer investigate the history, character, and circumstances of defendants and report the findings to the court before sentence.

Probation is an effective means of correcting bad habits and dangerous tendencies by giving offenders not hardened in evil ways another opportunity, and by placing them under kindly but firm control and helpful influences.

Probation prevents the breaking up of families by avoiding commitment to institutions and the suffering entailed through the withdrawal of the wage earner.

Probation prevents further disgrace, discouragement, and demoralization by keeping young and first offenders from association with degenerates and criminals in jails and similar institutions.

Parole is the test of a prisoner's ability to adjust himself in the community. It carries with it conditions and penalties for violation.

The cardinal principle of good parole work is the preparation of the future environment of the prisoner. This involves primarily his relations with his family, prospective employers, and former associates. Intensive adaptation of environment is now undertaken by few penal institutions.

The advocates of the modern scientific methods of treating delinquents make no sentimental appeal for clemency for the offender. They are interested primarily in protecting life and property, and in preserving peace and order, but they do not believe in undue and indiscriminate severity which has failed to suppress crime

through all the ages, and which has ever bred more crime than it has cured. Their purposes are constructive. They are not mere meddlers with the enforcement of the criminal law. Their aim is to understand the criminal and his etiology. They believe that there are all kinds of criminals as there are sinners, unapprehended, and that there is no inherent difference in mental and moral endowment of criminals, as a class, that nullifies the hope of adjustment.

*Treatment of Offenders*

In the New York World on October 27, 1925, the following interview with the Chief Probation Officer of the Bureau in regard to the attitude of probation toward offenders was published:

> We seek the suppression and prevention of crime. We are on record for law enforcement and a greater celerity and efficiency in criminal processes. We desire more effective, more drastic, if you will, treatment of all known criminals. We do not, however, subscribe to the outworn theory that to treat all criminals alike and with as much severity as possible, is the way to effect these objects.
>
> We hold that only through discriminating, individual treatment can justice be done, and the offender, if possible, be reclaimed. Our probationers are treated intelligently and scientifically through the standard channels of spiritual development, family, health, education, thrift, recreation, employment, and the long look ahead. The probation officers themselves are all young men and women college graduates who are especially trained for their tasks.
>
> Probationers are by no means coddled, because the proponents of sane and progressive methods of dealing with criminals hold no brief, and make no special plea for the criminal. The probationers, therefore, are subjected to the strictest surveillance, being required to report weekly or oftener to the Probation Bureau, while the officers visit their homes and places of employment bi-monthly. Restitution to the extent of $35,000. per year is also effected by probationers.

*Correcting Current Misconceptions*

A popular misconception which has been widely discussed in the daily press, as well as in many books on criminology, is the idea that immigrants, out of proportion to their ratio to the population, furnish the criminals which fill our courts and prisons. In this connection, the following paragraphs from the "Melting Pot" by the Chief Probation Officer, published in the New York American on April 7, 1926, were illuminating:

> Our crime situation is not a problem of immigration. Among the foreign-born there is a smaller percentage of crime than among native-born Americans. The immigrant is usually a law-abiding individual, and he does not turn to crime. He has been an asset to America, and not a liability.
>
> Crime is not a problem of race, creed, or color. It is always a joint product of an individual and a social factor, of an attitude and a value. The individual's emotions and outlook are conditioned by heredity, social environment, and their influence on the will.
>
> Criminals are divided into five groups. First, and by far the largest group, is that of the normal individuals who, influenced by unfortunate environmental conditions and improper associations, indulge in crime. Then come the professional criminals, and those mentally deficient. The fourth group embraces the unstable, and finally, there are the insane, relatively few in number.

*Influencing Public Opinion*

The excerpt herein is from a comprehensive article submitted by the Bureau, which was published in the following papers: The New York American; The New York Journal; The Washington Herald; The Chicago Herald-Examiner; The Boston American; The Milwaukee Sentinel; The Detroit Times; The Los Angeles Examiner; The San Francisco Examiner; The Seattle Post Intelligencer; The Albany Times-Union; The Georgian American, Atlanta, Ga.; and the San Antonio Light, San Antonio, Tex. This illustrates the type of publicity neces-

sary to combat the frequently met with hysteria and myopia existing with regard to the crime problem.

The public can be guided to accept a program for the rational treatment of offenders if the advocates of modern scientific methods do not abandon the field of publicity to the exponents of indiscriminate severity:

> As with many of its other problems, society is unconcerned until the evil it has permitted to develop becomes a definite and personal danger. Then the belated rush to suppression is on; but again, society, preoccupied with extermination, is oblivious to the fact that the process of creation is going on as rapidly as ever. As we are dealing with the criminal of today, we are inclined to forget that we have taken few preventive measures to save those who will be the criminals of tomorrow.
>
> To prevent crime we must deal with delinquency, case by case. We must give stronger support to social agencies doing preventive work. We must provide more visiting teachers. We must be alert in the school system to detect the abnormal child and the subnormal child. We must provide more wholesome recreational outlets for youth, and we must have more trained probation officers.
>
> When the wisdom of crime study and subsequent community treatment of the evils causing and attendant upon the career of the criminal is thoroughly understood, we will have begun to progress in the right direction. When people at large realize that the future of our children lies in the hands of parents, educators and the social resources of the community, a new era in the treatment of crime will have arisen.
>
> Religion and ethics finally will inculcate and develop the necessary moral stamina for the rejection of temptation, and will provide the guiding principles for a profitable and respectable life.

*Editorial Comment*

The activities and achievements of the Bureau were thus presented in the editorial columns of The Commonweal of October 6, 1926:

The causes of crime are studied with close interest by every section of the American public, but they are of particular importance for those who conceive of human life as essentially an affair of the soul. Catholics, whose school system is supported in the conviction that sound habits of character can be formed in growing boys and girls by good teaching and example, are therefore increasingly interested in the work Professor Cooley is doing as director of the Catholic Charities Probation Bureau of New York City. This foundation, supported and superintended by His Eminence, Cardinal Hayes, has already merited the recognition of jurists and educators for its success in reclaiming numerous individuals from criminal lives. Less well-known is the survey of more than 3,000 delinquents made by the Bureau under the most exacting scientific conditions. An immense, and in the present status of social study, an indispensable collection of data was gathered by workers who approached offenders against the law in an open spirit, with no preconceptions or theories. Though at present the conclusions attested to by the information amassed cannot be stated with mathematical certainty, Professor Cooley is certain that the future will be less impressed with the theory of "mental disease" and more aware of the part played by disintegrated homes and corruptive social influences.

The Survey of June 15, 1926, carried the following editorial comment on the establishment, development, methods, and contribution of the Bureau:

While the newspapers have been hanging probation in the headlines, a most thorough-going trial of its power to help adult offenders has been under way in the Court of General Sessions in New York City, one of the largest criminal courts in the country. Probation in this Court has been carried forward by three voluntary groups—Catholic, Protestant, and Jewish—on behalf of offenders of their respective faiths. Last year a comprehensive law to establish an adequate bureau of adult probation under the civil service was passed by the New York State Legislature, with the support of all three groups and the endorsement of the National Probation Association.

Pending the granting of the necessarily large appropriation of a quarter of a million dollars to put this law into effect, a model bureau for adult Catholic offenders was established by Cardinal Hayes and the Rev. Robert F. Keegan, and placed under the direction of Edwin J. Cooley, on leave of absence from the New York City Magistrate's Court. Thirty trained probation officers, young college men with social work experience and a realization of the possibilities of their work, were placed under the direction of Mr. Cooley and a woman Case Supervisor, taking the place of three probation officers of the old type. While the staff was increased more than ten-fold, the number of probationers was actually reduced, so that intensive work with each offender was possible. Each case is thoroughly investigated before sentence, and a written recommendation is made to the Judge. Psychiatric and physical examinations are routine. Each probationer is required to report to the office regularly each week and is visited at his home twice a month, and every effort is made to assist him in obtaining employment, and in establishing satisfactory conditions of health, recreation, and personal and neighborhood relationships. If he has a family, its needs are studied as well. All cases are discussed each week with the Supervisor, and there are weekly staff confreences; also, a library has been established for the benefit of the probation officers to keep them in touch with the most recent material in their field of work. The probation period may be extended over a period of years; at present, the probationers under the Bureau number 839 men and 50 women. The Bureau announces with justifiable pride that 85 per cent. of the men and women who have completed their probationary period under its direction have been rehabilitated and satisfactorily adjusted to the community. The importance of such a result is heightened by the fact that the majority of convictions in the Court deal with persons under *25*. With the establishment of the official bureau which is expected during the next few months, this volunteer demonstration, financed entirely by the Catholic Charities, will cease; but its action *ad interim* has shown the conditions under which probation should be administered, and the importance of the results which may be expected under fair trial.

*Crime Commissions*

In contrast to the generally critical attitude of crime commissions toward Probation, the opinion of the New York State Crime Commission with regard to the work of the Catholic Charities Probation Bureau is of interest. On October 2, 1926, the New York World published the following item:

> The Sub-Committee on Modification of Sentence of the Baumes Legislative Crime Commission, headed by Assemblyman Burton D. Esmond, Vice Chairman of the Commission, visited the Criminal Courts Building yesterday. Members of the Commission, including Professor Raymond Moley, of Columbia, Jane Hoey and William L. Butcher, have been studying crime conditions in the city preparatory to a public hearing by the whole commission on October 14th and 15th, in the City Hall, on questions of paroles and the causes of crime.
>
> "We are trying to make an open-minded, scientific study," Assemblyman Esmond said. "It is refreshing to see the way the Catholic Charities Probation Bureau is handling its problem. *Certainly the bureau has no superior in this country.*"

# CHAPTER XIII

# STANDARDS OF PROBATION

There remain only those extremely practical problems of making the social treatment of delinquency a profession which will appeal as strongly to the individual with proper qualifications as do the older and better understood professions of the law, medicine, and the arts, and of bringing the compensation for such work to the point where the sacrifices demanded of the worker will at least be no greater than those now demanded in the fields of education and art. Have we the courage to do it? Time only will tell. But certain it is, unless we do, probation work is a thing which will pass, as have many other worthy efforts of society where actual practice did not reach a point which was commensurate with what our knowledge and understanding had promised.[54]

[54] Henry S. Hulbert: *The Child, the Clinic and the Court.* Page 245.

## CHAPTER XIII

## STANDARDS OF PROBATION

*Practical Value of Proposed Standards*

The following proposed standards constitute virtually a summary of the procedure utilized by the Catholic Charities Probation Bureau in its work, crystallized into a set of concise, clearly-defined principles. It is hoped that they will prove valuable to probation workers, who can turn to the summary as a convenient measuring rod for checking up their own work.

Another value in presenting these standards of modern probation practice is that the whole scope of the probation problem is succinctly dramatized and can thus be more easily and adequately grasped.

However, it must not be overlooked that the application of the standards and principles given below presupposes a background of much of the modern conception of human behavior and a working knowledge of effective ways of altering human conduct, in addition to an understanding of the methods of social diagnosis and case work.

Owing to the immense diversity of the statutes and laws governing probation practice, the variations in organization, personnel and equipment, and the different types of courts, the nature of the offenses, and the human material considered, it is apparent that no one set of probation standards or rules can be followed by all the courts in this country. Moreover, no general plan can be followed in every case investigated or supervised.

Delinquency finds its sources not only in the complexities of

personality but in destructive factors and influences in the community. Each delinquent under investigation or on probation possesses his own unique personality and character, has had a lifetime of experiences peculiar to himself, and presents an individual problem which requires careful consideration in the adaptation of probation methods suitable to the particular needs of the delinquent. No two cases call for exactly the same treatment. Therefore, any probation rules or standards formulated must be considered as general principles of guidance which constantly have to be modified and adjusted to meet the practical exigencies of the work under hand.

Further experience with probation may modify some of our present ideas, but the standards for effective probation work set forth below embody the results of careful planning and well-tested experience.

### Standards for Effective Probation Work

*Judges and the Courts*

1. State legislatures should clothe every court with the power to place suitable offenders on probation, adult as well as juvenile delinquents.

2. Adequate funds, personnel, and equipment should be furnished to all probation bureaus.

3. Before placing an offender on probation, judges should require a comprehensive preliminary investigation by the probation bureau.

4. Courts should not place on probation habitual offenders, drug addicts, confirmed inebriates, or the feeble-minded with fixed anti-social habits. Unfit subjects on probation constitute a menace to the community, destroy the confidence of the public in the system, and handicap the efficiency of probation officers.

5. Courts, judges, and probation officers should cooperate

sympathetically and actively in the development of the probation system.

6. Regular reports on the progress of probationers should be made to the judges.

7. At the termination of the probation period, probationers should be brought before the court, preferably in chambers, for a judicial review of their conduct. In large cities, where there is a considerable number of judges, a probation part or court could be organized to great advantage, to issue warrants, hear violations, authorize discharges, and give special consideration to the problems of probation.

*Administration and Organization*

8. The proper supervision of the work of the individual probation officers by a chief probation officer or group supervisors, and also by the judges of the court, is essential in developing an effective probation system.

9. Although there is a certain advantage in having the preliminary investigation made by the officer who subsequently supervises the probationer, nevertheless, in large cities a division of the probation staff into corps of investigators and supervisors is often desirable and practicable. Specialization of service and the fitness of particular officers for distinct kinds of work must also be taken into account.

10. The chief probation officer should consider it his responsibility to train his staff in the larger principles and scientific methods of probation work.

11. The chief of the bureau should formulate a definite plan of procedure for the investigation and supervision work and see that it is carried out by the probation staff.

12. Staff conferences, group conferences, and difficult case conferences should be held regularly in order to guide the probation officers in their work, and to stimulate them to the highest plane of efficiency.

13. The system of case assignment on the basis of personality is advisable in communities in which the distances

to be traveled permit an officer to reach effectively the different parts of the city or county without a great loss of time. In large cities the district system of assignment is a necessity, although exceptions should be made in cases presenting special problems.

14. An *esprit de corps*, enthusiastic cooperation, and teamwork should be cultivated in every group of probation officers.

15. Volunteer service is without value unless it is preceded by education, training, and experience, and given careful, genuine case supervision afterward. Volunteer workers should be carefully selected and should be under the supervision of the chief probation officer.

16. The chief probation officer should make a careful study of the relative merits of different methods of applying probation, and map out a plan for a continual checking up and improvement of case treatment in the light of such study.

17. Supervision of the work of probation officers should be exercised by a state commission definitely charged with this duty.

*The Probation Officer*

18. The qualifications of probation officers should include, preferably, graduation from college, or its equivalent, or from a school of social work and at least one year's experience in social case work under supervision.

19. Definite requirements as to character and vocational aptitude should be required of those who seek to become probation officers. Good personality, tact, resourcefulness, and sympathy are essential. Merit and fitness alone should be the basis of appointment.

20. By reading, studying, and attendance at conferences, probation officers should endeavor continually to increase their knowledge and capacity in order to measure up to the great responsibilities of their work.

21. Probation officers should participate actively in the

larger movements for social amelioration with special attention to those concerned with the prevention of delinquency.

*Methodology of Diagnosis*

22. The probation plan of *social diagnosis* should consider the legal history of the offender, the essential elements of his environment, a study of his developmental history, personality and behavior, his capacities and potentialities, and the etiology of the delinquency.

23. The study of the *legal history* of the offender should comprise his previous court record, analysis of the offense, and the story and attitude of the complainant. A finger print system should be established and utilized to ascertain the criminal record of delinquents.

24. The diagnosis of the *social history* of the delinquent should include the personal history, education and early life, family and neighborhood conditions, employment history, recreation, habits and associates, religious observances and training, and the mitigating or aggravating circumstances of the offense.

25. The diagnosis of the *personality* of the defendant should consider the following factors: heredity, physical condition, mentality, (capacity, traits, and interests), emotions, sentiments and beliefs, character and conduct, and manner and appearance.

26. An accurate, complete and concise report of the social diagnosis including the etiology of the maladjustment should be prepared in typewritten form and presented to the court in advance of the day of sentence.

27. The court should utilize the service of physicians, psychiatrists, and psychologists to examine defendants before sentence. In case such provisions have not been made, probation officers should secure this service by cooperation with available clinics.

28. When a social service exchange has been established, it should be utilized by probation officers to obtain the his-

tory of contacts of social agencies having knowledge of the delinquent or his family.

29. The work of a probation bureau should be so organized that the making of investigations does not require so much of the time of probation officers that they are prevented from properly performing their principal duties of looking after and aiding persons who are placed on probation.

30. A probation officer, assigned exclusively to this duty, should not be required to make more than twelve preliminary investigations a month.

31. A complete copy of the social investigation and reports of physical and mental examinations should accompany the order of commitment to an institution.

*Methodology of Adjustment*

32. The case objectives of supervisory effort should be to assist the probationer to attain adequate adjustment within himself and within the community.

33. Every phase of the supervisory process should be directed toward the permanent rehabilitation of the delinquent. The probation bureau should squarely accept the responsibility for the permanent restoration of the probationer in the community as a socially useful citizen.

34. The process of adjustment should be carefully individualized and fitted to meet the needs of each probationer.

35. Immediately after a delinquent has been placed on probation, the probation officer should interview him entirely alone and explain carefully the instructions of the court and the general and particular conditions of probation. A statement of these conditions should be given to the probationer in writing. The instructions of the court should be made a part of the case history. Visits to the home and to other places to secure additional information and cooperation should be the next step.

36. A plan of adjustment and supervision should be formulated and recorded in each case. This requires insight into

the personality and environment of the probationer, an analysis of the causal factors of the delinquency, a summary of the problems presented, and a creative interpretation of the facts. The plan of treatment should be checked up at least monthly and modified, when necessary, in conference with the chief probation officer or other supervisor.

37. It is of vital importance that any plan of treatment formulated should be accepted by the probationer himself. This acceptance can be obtained most effectively through the gaining of his confidence and respect, the arousing of his admiration for the probation officer, the realization of his own problems and motives, the removal of anti-social attitudes, the presentation of new visions and goals, and the transference of objectives. During this particular phase of the case work, a certain amount of trial and error by the probationer should be permitted by the officer.

38. In the process of social adjustment, the following factors should be emphasized: The development of social relationships, adjustment within the family, the improvement of neighborhood conditions, the attainment of financial independence by means of vocational guidance or scientific job placement, and the cultivation of habits of budgeting and thrift, and constructive recreation. Every effort should be made to restore the social status of the probationer. Consideration should also be given to language and racial psychology and background.

39. Complete cooperation with the social agencies of the community in the effort to surround probationers with every helpful influence is necessary for effective probation work and for the progressive development of the system. In general, probation officers should not undertake services for probationers which other agencies are better equipped to furnish. In cases in which two or more agencies are concerned with the same family, frequent conferences are necessary for good team-work.

40. Every effort should be made to develop a well-rounded

personality and a self-reliant character on the part of the probationer. Such elements as the following are essential parts of the process of personality development: Holding up of ideal of self to the probationer, physical rehabilitation, strict discipline and self-control, aggressive character building and assured emotional adjustment, academic and vocational education, discovery and unfoldment of new resources and outlets, the regaining of self-respect and social consciousness, improvement in appearance and manner, religious development, and the long look ahead.

41. Probationers should be helped as much as possible to get suitable work and to succeed in it. The interest of employers should be secured, and cooperation with employment bureaus should be maintained. In large offices a bureau of employment should be established. Probation officers should assist probationers in the choice of a vocation.

Whether or not an employer should be informed with reference to the probationer's delinquency depends on the type of employer. Tact and judgment should be used to protect the interests of both the employer and the probationer. Probationers should be sent for employment only to those institutions where proper standards of work are maintained.

42. Religion is one of the most vital factors in reforming character. Probation officers should be careful to respect the religious convictions of their probationers and should secure the friendly cooperation of clergymen and religious organizations of the same faith as that of the probationer.

43. During the process of supervision, the following tendencies should be avoided: subtle antagonisms on the part of the officer to his charge because of a lack of understanding of the probationer's nature or problems, or failure in dealing with them; too close and weakening supervision; impatience with relapses; and objective case work.

44. The probation system should be standardized by the employment of as many officers as are required by the number

of cases. Effective probation work demands that no probation officer should supervise more than fifty probationers at any one time. Officers handling the cases of women should be assigned a smaller number.

45. In the event that the process of adjustment has not been completed at the end of the probation period, application should be made to the court for an extension of the term of probation, in order that the case work may be continued until rehabilitation is assured.

46. Probationers should be required to report weekly, except during periods of unemployment, when daily visits to the probation office would be advisable.

When properly safeguarded, reporting gives opportunity for acquaintance with the probationer and free conversation regarding his interests and surroundings, and is a means of training in habits of regularity and punctuality. Probation officers should make these meetings count in information obtained and advice given, and in the establishment of a friendly relationship. Interviews with probationers should be in private and should not be hurried or stereotyped. The commingling of probationers should be carefully avoided.

47. No probationer should be permitted to leave the jurisdiction of the court without the permission of the judge. When such permission is granted, probationers should be required to report to the probation bureau weekly by letter and should be placed under the supervision of the probation officer of the new community.

48. Home visits should be made regularly at least once every two weeks by the supervision officer, and the place of employment should be visited at least once a month. These visits are essential to effective supervision, knowledge of the assets and liabilities of the family, and the correction of unfavorable conditions.

49. The period of probation should be long enough to afford opportunity for definite improvement in the character

and conduct of the probationers. At least one year is required in difficult cases, and a longer period is often advisable. The length of probation in each case should be determined by a study of the problem, the needs disclosed, and the progress made.

50. An essential factor of any successful probation work is vigorous enforcement of the conditions of probation. Probationers should be returned to the court promptly when the probation officer is firmly convinced of the unfitness of the probationer for further probationary treatment. Every effort should be made to apprehend absconders.

*Equipment—Clerical Help and Records*

51. Suitable office quarters with adequate equipment and provision for necessary expenses should be supplied to probation officers.

52. The necessary clerical help should be granted to probation officers. It is poor economy to burden probation officers with clerical duties as their essential work is in the field.

53. A modern filing system, which will permit of the ready identification of cases, should be maintained by every probation bureau.

Probation case records should contain the investigation of the case, the constructive work planned, attempted, and accomplished, and a chronological history of the supervision. Probation records should be protected from indiscriminate public inspection.

54. A statistical system should be organized in every probation bureau, so that it will be possible to compile annually, significant social data concerning the problems dealt with, the results, and the prevention and treatment of delinquency.

*Informing the Public*

55. Probation officers should seek legitimate and enlightened publicity for their work through public speaking and the

press in order to develop a more appreciative and better informed public opinion concerning probation.

56. Annual reports portraying clearly the work, achievements, and needs of the bureau, supplemented by case studies, findings, and crime discussions, should be published and the material arranged in an interesting and attractive style. The statistical information should be tabulated in accordance with standard methods and uniform terminology.

57. The publication of typical or socially illuminating case studies would prove valuable to probation officers, social workers, schools, and the general public.

58. Greater support, not only financial, but moral, is needed by the probation officers and the probation service.

*Probation in Relation to Other Agencies*

59. In many communities it would be highly desirable for the chief probation officer, at stated intervals, to call a conference of the social workers of the city to meet with the probation officers in order to consider their mutual problems and better methods of cooperation.

Difficult case conferences should be organized, consisting of social workers and representatives from religious, professional, and business groups, for the purpose of obtaining expert counsel and service in difficult probation cases.

60. Cordial cooperation should be maintained with police departments and the correctional forces of the community and the state.

Warrants for violaters of probation should be executed by police officers and not by probation officers.

61. A central bureau of criminal identification and records should be established in each community.

62. Every probation officer should conduct a survey of his community or district, so that he will become acquainted with its assets, liabilities, and needs. This social knowledge will not only be helpful in the adjustment of probationers, but also in the interpretation of the community to its citizenry.

*Probation in Rural Communities*

63. Probation in rural communities should be undertaken only by trained social workers and if the work must be combined with some other type of work, it should not be identified with the prosecution of cases, as are the positions of clerk of the Court, police officer, or sheriff.

The matter of reporting of probationers should be determined by the individual circumstances. It may frequently be found impracticable. Volunteers may be more necessary than in urban communities. Probation officers should be provided with adequate means of transportation in order to cover their extensive territory.

In conclusion, it should be emphasized that probation work depends for its success largely upon the relation established between one individual and another. The personal equation enters into all of this work. We constantly hear it said that no two cases are alike; it is equally true that no two probation officers are alike. It is, therefore, difficult to lay down any general rules and this can be done only by granting numerous exceptions. The successful probation officer cannot always define his methods, but he knows that his success depends upon establishing right personal relations with his charge and in helping him to achieve that which he as an individual needs. The needs of men on probation of course differ from those of women and girls, and again, the children present other problems. Each probationer must necessarily be treated largely on the basis of his peculiar needs which leaves much to the discretion and judgment of the probation officer.

We believe, however, that it is possible to make certain general rules for various classes of probationers. In work with human beings as with inanimate materials, there are rules of conduct and similar reactions which may be studied and classified and rules and principles deduced therefrom. In applying these standards, however, the personal and individual factors should not be overlooked.

# CHAPTER XIV

# THE MAKING OF A DELINQUENT

Oh, how I wish some cold wise man
Would dig beneath the surface which you
scrape,
Deal with the depths, pronounce on my desert
Groundedly! I want simple sober sense
That asks, before it finishes with a dog,
Who taught the dog that trick you hang him
for?
You both persist to call that act a crime,
Which sense would call . . . Yes, I maintain it,
Sirs . . .
A blunder! At the worst, I stood in doubt
On cross-road, took one path of many paths:
It leads to the red thing, we all see now,
But nobody saw at first; one primrose-patch
In bank, one singing bird in bush, the less,
Had warned me from such wayfare: let me
prove!
Put me back to the cross-road, start afresh!
Advise me when I take the first false step![55]

[55] Robert Browning: *The Ring and the Book.*

## CHAPTER XIV

## THE MAKING OF A DELINQUENT

*Prologue*

The question of crime is a current topic in our press, the pulpit, and wherever thoughtful men and women gather. The general opinions widely promulgated on the problem, however, have been almost universally distinguished by the fact that they endeavor to treat crime objectively rather than subjectively. Repressive legalistic proposals, bound up with palliative methods, proven useless by the centuries, have thus become widespread. These pronouncements, moreover, have been as varied and as conflicting as the viewpoints of their sponsors.

The prevalent conception of all delinquents as a criminal class, while colorful and suited to alarmist propaganda, is not, however, founded on fact. The criminal is as individual as delinquency.

As Sutherland and Thomas express it, crime is always the joint product of an individual and a social factor, of an attitude and a value. The more we know about it, the more we realize that it must be studied individually, and so treated.

In presenting herein the case of John M.,* we do so in the belief that it portrays graphically the steps by which a normal boy came to delinquency. Should it add the slightest modicum of sympathetic appreciation and understanding to our present

* Statements concerning localities, names, dates, nationalities, and facts of family history as given, in the usual professional fashion, are reported with disguises.

theories of crime and its causal factors, we shall have drawn great profit from the experiences of one whose only achievement in life was failure.

*The Story*

A heavy atmosphere of correctness and respectability permeated the richly appointed room of the New York club in which crime, the most vital topic of the day, was being discussed. In the circle were a captain of industry ponderous with the assertiveness of conscious success, a judge whose name spelled terror to the criminal world, a former district attorney noted for his celerity in prosecution, a medical man whose psychological studies had won him renown, and an eminent lawyer who had become equally prominent as a publicist. A more perfect group incarnation of the abstract terms "law" and "order" could hardly have been assembled.

All agreed that crime was the great problem still to be solved by the ablest of city and national authorities. They differed dogmatically and decisively, however, on its causes and cures, the psychologist alone being somewhat uncertain and subject to logical persuasion. It is not recorded, however, that any there that night presented an hypothesis sufficiently subjective to merit his approbation.

Less than forty miles distant at the same hour, a seventeen-year-old felon completing the first day of a seven and one-half to fifteen year sentence for robbery was also reflecting on crime, its causes, and effects. As his gaze wandered about the moist walls of his stone sepulchre and came to rest on the iron grilled door, he thought for a moment of the countless nights to come when that door would clang behind him as he was locked in. It would be a ritual. He had become valuable to the State now and would be guarded as closely as wealth was guarded in the musty vaults of banks.

There was no animus in his thoughts—it never occurred to him to hate so impersonal a thing as society—he did not

realize that he represented a community problem. It was all a bit bewildering and ironical. He went to bed.

*From Humblest Beginnings*

Some twenty-one years before, John M., a land-poor farmer, and his bride had come to America to better their fortune and seek the greater New World opportunity for their progeny.

Life at first was replete with promise. They lived in a comfortable little flat, the master of the home found employment, and four children, Mary, John, Esther, and Edward, came to bless the household.

A year after the birth of Edward, however, the happy little world was shaken by the death of the mother from tuberculosis, and out of the general desolation arose Mary, aged 7, to take her place. The father, sorrow-stricken, silently kept to his task as a trainman on the elevated railroad and devoted his $26 weekly to the maintenance of the family.

Somehow, life for the group went on, and the years trickled by with the children growing up and the father doggedly clinging to his insecure economic niche. Theirs was an uncertain, timid relationship, however, and the workaday peasant mind of the father, caught up in the tempestuous whirl of an industrialized community, found it increasingly difficult to cope with family problems and his own. Working hours were long and irregular, and as his contacts with his growing children decreased in frequency and intensity, he was gripped by a great hopelessness. He saw himself struggling against a great machine that pressed down ever to destroy him. Life meant merely a turmoil for the preservation of existence, and one fought not to better one's condition, but fiercely, desperately, to keep what one had. The age, not of years, but of conflict, crept over him and he felt himself an enfeebled, inadequate stranger, even to those of his own flesh and blood.

With the children at school, the family affairs seemed to improve for a time. All acquitted themselves favorably in

their studies, and there was a temporary lull in family difficulties. Before long, however, indications of a new disturbance became apparent. Young John had become less proficient at school, and the teacher had written home complaining of his conduct.

*Trouble Ahead*

A reprimand from his father brought about improvement, but in a short time John had again fallen from grace. There was developing in him a keen hatred of school which his childhood curiosity and voracious young mind failed to overcome. He began to feel that school was one of the necessary evils of life. It was like going to the doctor—they gave you something disagreeable and expected you to like it because they said it was good for you. The trouble was that everyone was given the same medicine. Discouragement was frequent.

John's difficulties increased, and he finally decided that he did not care much for his teachers. That was, of course, excepting a few who seemed to like the things a fellow liked and were always interested in him. They never took you to task in front of the class but always called you up to their desks and talked the matter over with you. They were "regular." Ere long John developed the habit of playing hookey as frequently as possible but always came to school when he had the "regular" teachers.

Outside of school hours John found recreation in the neighborhood. Most of the boys he knew were moving away, but others came and he did not mind. The new ones were a bit "tougher" though, and he felt the necessity of keeping pace with them to hold his place. A fellow fought for what he had or lost it, and John wanted to keep the few things he had.

In the summer he played ball in the streets at such times as the "cop" on the beat was friendly or absent, or went down to the docks to swim and pilfer fruit and occasionally cocoanuts. In the cold, dreary fall, there were cheap basement

cabarets in the neighborhood where a fellow could huddle in the doorway and listen to the music on afternoons when there were rehearsals. Sometimes, too, the ladies who danced there would come to the door for a breath of air or to send someone for a package of cigarettes. They were generous ladies—always gave a fellow at least a dime for doing an errand. He found them pretty also, with lips and cheeks redder than those of other women he knew in the neighborhood—and they laughed often. They weren't important and "stand-offish" like some school teachers afraid to be "regular," and they weren't so busy and so much in a hurry as the blue-suited women who glanced at him hastily, pityingly, as they went through the neighborhood. He noticed also that the other women in the vicinity—cross-looking and with dirty gingham dresses—hated the dancing ladies. He never could quite understand why.

*Enter the Poolroom*

In the winter when it was real cold, there were poolrooms about where, in violation of the rules, one might go to keep warm. It was necessary to keep quiet, however, and sit along the wall making no disturbance. Sometimes there was odd change to be had from one of the older fellows who was generous with his winnings; again, on occasions, dimes might be had for racking up the balls after the games.

John M. next became conscious of a new world one afternoon in the poolroom when he overheard a conversation between the older fellows. There was talk of a "job"—"rods" would be used—it was a "soft racket." He had previously discovered that a "job" was a burglary, robbery, or similar criminal act, and "rod," of course, meant a gun. On reflection he realized that all the fellows frequenting the pool room had "rackets"—a few of them worked, and there was always money for all. Occasionally some one disappeared—he had "ridden." John decided to seek more information.

*The First "Job"*

Not long thereafter, under expert tutelage, John acquired a "racket" of his own. It was burglary. It had been explained to him that there was nothing really wrong in stealing something from someone who did not absolutely need it, and he was carefully advised to beware of the "bulls." It was all a game in which the only disgrace came from "squawking" on one's pals. John resolved never to betray an associate.

John's home ties in the interim had become less and less binding. Mary, his older sister, was continually taking him to task for associating with bad companions and coming home late. He never bothered Mary, why should she worry about him—besides there was nothing to do home anyway. Eventually, John's father, still hopeless and growing more impotent daily against the rising cost of living, reprimanded him with the shrill vehemence of the weak. John rebelled, returned to his corner associates, and after receiving their marks of approval, remained away from home for several nights. As one of the older fellows put it, "the Kid was coming along."

*Arraigned*

At the age of *13* John was thus brought before the Children's Court by his father who characterized him as willful, unmanageable, and worthless. John listened quietly to the admonitions of the Judge and promised to mend his ways while on probation.

At the time, John was sent to a clinic for a mental and physical examination. He regarded the proceedings with mingled sentiments of interest and distrust and occasionally gave incorrect answers when he thought the examiner would thereby become confused.

They were putting him on exhibition, he felt, trying to find out things he didn't know. They couldn't expect him to know everything, and he saw no reason why they should bother

him anyway. He knew stupid fellows; it might be all right for them, but not for him. All these questions about numbers, words, blocks, circles, and squares were kindergarten lessons. John might have been happy to know that the doctor found him normal.

For a time a definite improvement was noted, but the occasional contact with the probation officer was soon outweighed by the daily association with his street corner companions. He had risen somewhat in their estimation. He had been in court. John was influenced by his gang to give up his habit of reporting regularly to his probation officer and was encouraged to return to his "racket" of burglary.

His irregular, urchin life thus continued, and he became an almost habitual street prowler to whom home had no significance. In the streets and den-like poolrooms were those he understood—fellows who approved or argued or fought, but never complained. At home things were different—his father protested sullenly at the enervating power of an industrialized community—Mary whined at the dullness of household work and envied other girls who had better clothes and went to dances—Esther berated her school teachers and questioned their fairness—Edward protested in general because the others did. John hated them all. They were weak. He avoided them as steadily as he could.

One evening—John was fifteen then—another boy in the neighborhood asked his help on a "job." The place had been looked over; everything was safe. A candy store—small things—candy, cigars, cigarettes, perhaps money. John agreed and the place was burglarized, the loot amounting to about $25. But there had been a slip—his "pal" had talked—and once again James found himself before the Children's Court.

He had in the interim left school in disgust. His "regular" teachers had been assigned to other classes, and James found the others distasteful. There was no sense in going there anyway.

*The Juvenile Reformatory*

All this was brought to the attention of the Judge, and John was committed to a juvenile reformatory for a period of two months. He was then returned to the Children's Court and placed on probation.

In his absence from home new changes had taken place. His father, irritated by this additional worry, had lost all patience with him. Mary had become increasingly unsympathetic and sardonic. Older sisters, John decided, were all like that.

In the poolroom and on the street corners, however, John was conscious of a new prestige. He had done a "bit" and was now widely accepted. The older fellows looked upon him less patronizingly. Younger boys were almost awed in his presence. His was a satisfying feeling of worldliness and sophistication.

With this recently found distinction John also acquired a companion share of conceit. He was above this "kid stuff" now. He had neither time nor inclination to report to his probation officer. Besides, he refused to lie to him, and unless he lied about his activities they would "take him in" again.

Home was also becoming daily less inviting. He ran away. Burglaries or petty gambling supplied him with money. When "broke", the other fellows would always buy him a meal. In the summer one could sleep in the parks. In winter there were hallways or "two-bit flops." John became a nomad, and the city was to him a vast world to be explored. There were new experiences, sights, and adventures on every hand. Life rested easily upon him.

*The Reformatory*

A year later John was apprehended in the act of forcibly entering a store, and at the age of *16* appeared before the Court of General Sessions, the oldest Criminal Court in the United States. This time he pleaded guilty to Unlawful

Entry and was sentenced to an indeterminate stay in the State Reformatory.

Again there were new experiences, new fields, a greater criminal lore, and John in the months intervening became potentially a more dangerous criminal. He would go in for bigger "jobs" in the future. If you were caught, then you had something. No more "petty larceny jobs" for him.

With John removed from the scene, the forces of dissolution still beset the family. The father by this time was completely mystified and confused. Life to him had become a riddle unanswerable. He had struggled to keep the family intact, tried to do right by his children, but everything seemed to be against him.

Mary, now *18*, had wearied of housework and kitchen drudgery. She went forth in quest of happiness and romance. Her search brought her to the cheap dance halls, and in her pleasure-starved life they filled a great longing. There was life there, color, music, and "love," and to the last Mary became an unfortunate victim. She became an unmarried mother. Life for her had begun and ended.

Esther, too, had gone the way of incorrigibility and was before the Children's Court for failure to attend school, while Edward, for the same reason, was an inmate of a juvenile reformatory.

Old John felt that there could be no further sorrow for him. Life had bested him and his family.

*A Felon*

In time, John was released on parole from the Reformatory and returned to his home. His father had aged considerably through worry and toil and the frustration of his hopes for his family. He would aid John as best he could. John said very little.

John had no intention of working now; he had labored a year for nothing. Now he would enjoy life and freedom and

have money to spend. He had foresworn "petty larceny jobs"; he was in pursuit of bigger things.

An old associate, with whom acquaintance was renewed in the poolroom, provided the information for the new "job." He had the "rods." The place he had picked was "soft." A stationery store—and there would be money there at night after the day's business. The proprietor would be easily cowed; there was no risk.

The hold-up was perpetrated with John in the major role. The money was secured, and he and his accomplice fled. But again the companion in the offense had bungled things and had forgotten to lock the proprietor safely in the back of the store. He set up a hue and cry, and John was apprehended, the accomplice escaping.

In the Tombs John was found to be an interesting individual with a pleasing personality. In the order of personal vice, no bad habits could be ascribed to him. He was apparently a normal boy.

By this time, however, John had become a confirmed criminal fatalist, entertaining no remorse for violations of the laws of God or man. He had no appreciation of the moral qualities of his acts other than that he knew that to "squeal on" one's confederates was to be anathematized. And John was *17* years old!

On the day of sentence John's father was in Court, thoroughly crushed and bewildered by this latest calamity. What a mockery "the land of promise" had been to him. Here had died his wife; here his own life had been drained bit by bit to meet the demands of an insatiable system of industrialization; here had he seen his children one by one fall into evil; here his first son stood before the Court a felon. He felt a great weariness envelop him. Of the millions about him, few knew his story or cared to listen to it. The cornucopia of life was empty.

John was brought before the Court. A crime wave was

prevalent. A harassed community demanded protection. The Judge had an unpleasant but sworn duty to perform.

"You know," remarked the Judge, "I am sorry for you, yet we cannot afford to be sentimental in these matters—I sentence you to serve seven and one-half to fifteen years in State's Prison."

There was a faint, quizzical, ironical smile on the prisoner's lips as he turned away.

SOCIETY had exacted its pound of Flesh.

*Epilogue*

Why is this human waste permitted?

We find in the life of John M. all of those factors which so often occur in the lives of social and economic failures.

Here is a home broken by the early death of a tubercular mother, an overworked father, defective education, vicious companions, no vocational guidance, long periods of idleness, poverty, harmful neighborhood influences, and above all, the absence of proper religious or moral training. These, separately or collectively, are considered contributory factors to our crime problem.

Unless we can take a large number of delinquents and ascertain in how many of their lives these factors had a play, and compare them with an equal number of socially established persons, and determine to what extent the same factors have entered into their lives, we cannot know how fundamental these conditions are in the consideration of the etiology of our criminal problem.

Were the factors that warped and eviscerated John's life individual rather than social? That is a fair question.

And yet, the human and economic wastage which is represented in his life furnishes a challenge to the clear-thinking people of America. Shall we inquire as to the sources which determined his growth and as to what we can do as a citizenry to reduce the supply of his kind?

Does not the demand for the wholesale increase of our police

force, the general expanding of our court machinery, and the trebling of penalties for crime indicate not that we are correcting the evil or appreciably reducing crime, but that we are hysterically endeavoring to apply palliatives to a rapidly growing crime problem.

In the life of John M., the Church, the Home, the School, Social Agencies, and the Community had failed to prevent his downfall and ruin, and we are reaping the results of that failure.

What could have been done to prevent his destruction? In what way could his character have been moulded for good?

His family was not unique in its circumstances twelve years ago. When John's mother died, what could have been done then to save the children? What can be done now to prevent the ruin of similar families?

Prevention costs money, but it pays, and it is cheaper in the end. The prevention of crime is the business of every social force and every citizen in the country. For its accomplishment, however, we shall need the thoughtful interest of an awakened, intelligent, and religiously-minded community.

# CHAPTER XV

# THE CAUSES OF CRIME

The many studies of exterior conditions or physical states or personal habits which have been or are being made of delinquents are not to the point if they are not interpreted in relation to actual causation of the delinquent's misbehavior. Nothing is any more striking to the careful student than the fact that reactions between personality and living conditions are not fixed and are not *a priori* predictable. Poverty, in one case a stimulus to formation of fine character tendencies, in another instance is the motivation of even major crimes. Bad neighborhood conditions in some cases result in disgust rather than in acceptance of local standards of morality. Adolescent strivings and aggressiveness may lead in a direction of ambition and fine accomplishment, or may find outlets largely in delinquent trends. And so on through practically the whole list of possible causations of delinquency.[56]

[56] William Healy: *The Practical Value of Scientific Study of Juvenile Delinquents.* Page 16.

# CHAPTER XV

## THE CAUSES OF CRIME

*Magnitude of Problem*

Today, crime in this country has assaulted the interest of the populace at large and has caused a most uncomfortable quaver of uncertainty to run through the strongholds of authority. The seismograph of our national life is recording unusual and portentous rumblings.

To sketch the depth and extent of the situation, economists and statisticians have translated this social disturbance into the more readily understandable terms of money and present enormous figures to convey some idea of the annual national cost of crime. Accounts of the more violent types of crime are tabulated and bundled together in assimilable packages for public consumption. The word has gone abroad that a crime problem definitely exists, but an interested and aroused public, eager to attack it, stands by leaderless or disconcertingly futile in its misdirected gestures of suppression.

Why, then, in the treatment of an ill age-old, and with which society has had considerable experience, are its measures of relief so archaic? By exhaustive research behind danger-closed laboratory doors, scientists have isolated and mastered germs of diseases that formerly flourished unchecked; the national mean of education has gradually risen through the diligent drives on ignorance by an enlightened body of schoolmen; the practice of medical science has materially advanced, and the aged, infirm, mentally-inadequate, and diseased are being cared for in modern institutions, while problems of economic distress are being solved by economists and master industrialists.

The criminal, however, is still often being incarcerated in the same jails, penitentiaries and prisons that housed his predecessor fifty or one hundred years ago and he is, in many instances, being subjected to practically the same modes of treatment then in vogue, although the defects in the prison system have been well known. County jails have been indicted as "schools of crime" and the belief has been current in some circles that "reformatories do not reform and penitentiaries do not make men penitent." In spite of some few institutions employing constructive, corrective methods, the crime problem is certainly not being cured and it is quite possibly becoming even more aggravated.

The reason for this wide divergence in the measure of success encountered in the treatment of crime and other evils attendant upon society is probably to be found in the fact that other scourges have been singled out for dispassionate analysis and examination, while crime has generally been accorded little more than forced emotional and hysterical attention. And in the few instances where science and its companion methods have entered the domain of crime and the criminal, there has been an off-setting tendency to set up internal hostilities between the various investigating schools, rather than to face unitedly the common problem.

*Theories of Causation*

In all criminology there is one accepted fundamental principle, and that is, that crime and the criminal cannot be intelligently or effectively coped with until the causes underlying them are understood. In the effort, however, to determine the identity and nature of these causes, there have been formulated many and varied theories concerning the etiology of the offender.

In this State, early in 1926, the Joint Legislative Committee on the Co-ordination of Civil and Criminal Practice Acts reported:

> Every conceivable cause has been assigned to account for the present situation. One asserts; another controverts. By some the World War is held largely responsible for the increase of crime, but this view is not tenable, as has been pointed out by a committee of the American Bar Association. Other causes assigned are the great mass of unenforceable laws; the decrease in social and moral responsibility on the part of people generally; the ease and facility with which persons can obtain the tools of criminals—the pistol and the automobile; the waning of religious faith; the breaking up of home life; the loosening doctrine of "self expression"; the departure from the old doctrine of discipline; the glorification of the criminal in the popular press and in fiction; the influence of moving pictures in similar fashion; the hip flask; narcotic drugs; the alien strain in our population; the display of great wealth; the automobile, permitting freedom of movement; the Bedouin like existence of the modern American and his greater mobility; excessive work; insufficient work; childhood complexes; the coddling of the criminal; glandular defects; brain lesions; urban conditions of living; a jazz existence; sentimentalism; the failure to enforce laws and others too numerous to mention.[57]

Particularly in vogue today and popularly accepted are the tenets of what may be termed the jurisprudential group. Exponents of this school locate the causes of crime in the inefficiency of the police, the unwieldiness of the courts, the perfunctory and dilatory attitudes of public prosecutors, and the palatial attractiveness of the prisons.

A fair example of this view is to be found in the recent message of a governor to the legislature of his state when he said in part, "Misdirected sympathy and the highly developed expertness of penologists, reformers, and the parole advocates, who have lost sight of the rights and protection of the public and concentrated on the rights and reformation of the criminal, have aided to increase crime."

Approving this statement, a widely-read newspaper adds:

[57] Report of N. Y. State Joint Legislative Committee on the Coordination of Civil and Criminal Practice Acts, 1926, Page 5.

"What the governor says on the subject in general is what many other persons are thinking. Not all the blame is to be placed upon the coddling of prisoners or the easy terms of obtaining parole. Much of it rests upon judges and prosecuting attorneys, but most of it can be placed squarely at the door of an outworn system of criminal jurisprudence . . . and another thing which is needed—and what at last seems to be on the way—is a quickening of the public sense that the present struggle against crime is war—war against a resourceful and implacable enemy who must either suppress or be suppressed."

*An Analogy*

These sentiments parallel somewhat in the field of criminology the sentiments of some medical practitioners 150 years ago, who, in the face of an epidemic of disease, recommended the indiscriminate and wholehearted usage of calomel and blood letting, because of their ignorance of the causes of any specific disease.

It may be admitted that calomel and blood letting possessed an efficacy of sorts, but they were hardly calculated, because of this intangible efficacy, to deal scientifically with ravaging natural forces. Likewise, a perfect administration of the agencies upon which society now primarily depends for the treatment of criminals may afford some relief from crime, but their efficiency alone can scarcely serve to enable the community to understand causes responsible for the existence of criminals, without which understanding no permanent success rivalling society's achievements in the prevention and control of disease can be attained.

*Other Theories*

Other theories have been centered in the physical constitution of the criminal, the unscientific Lombroso denominating him a product of atavism, a stigmatized type of degenerate. Studies also have been made of climate, weather conditions,

and other natural phenomena with a view to justifying the hypothesis that this social problem was influenced by such forces.

In opposition to the above theories were those of the various economic determinists who held that conditions of poverty, evil environment, and other unfavorable social factors were sufficient for the explanation of delinquency. These views were grounded, for the most part, on economic conditions in Europe where Bonger, Fornasari di Verce, Marro, and others made extensive studies in the relationship between poverty and crime.

Having, to all practical purposes, exhausted the physical and environmental phases of the life of the delinquent, criminologists next turned to the analysis of his mental powers in search of the elusive bases of delinquency. Scales of measurement were invented, experiments were carried on, and slowly there was formulated the theory that all criminals were criminal because of mental abnormalities. It was readily to be demonstrated by the tests adopted that he was feeble-minded or psychotic or psychopathic.

The modification which this theory has of late years undergone is conveyed by implication in the statement of Healy that:

> A little reflection upon the fact that individuals mentally normal, some even very bright, are misdoers for reasons quite apart from matters of mental capacity and that many feeble-minded people live decently and do their work in the world very well, should indicate how necessary it is to cultivate knowledge concerning causations of delinquency.[58]

Finally, maladjustment was hailed as the long-sought wellspring of delinquency, but a general vagueness of terminology and a lack of clarity in the statement of its principles, through the use of obscure terms, rendered this school ineffectual in

[58] William Healy: *The Practical Value of Scientific Study of Juvenile Delinquents.* Page 20.

explaining delinquency. Deeper than such vagueness is the very difficulty to be explained—*why* the maladjustment?

*An Objection*

The theories delineated above have been, for the most part, the fruit of studies and research in the field of delinquency, and yet they seem as unsound and as unsatisfying today as they must have seemed profound and comprehensive to the learned gentlemen who toiled so diligently and so commendably in their formulation.

Against all these attitudes and beliefs there may be levelled one irresistible generic objection. For, taken singly or collectively, they have all failed to comprehend or to take into active consideration the entire field of criminal activities. To them all, the criminal has been a type, and little examination has been made of the many differences distinguishing one delinquent personality from another.

To explain a fraudulent bankrupt or an educated, expert forger in terms of atavism, climatic conditions, detrimental economic and social factors, feeble-mindedness, or maladjustment is obviously absurd; to attribute the conduct of a defective recidivist to a lax administration of the present criminal law is no less ridiculous.

*Probation Bureau Findings*

The Catholic Charities Probation Bureau, since its reorganization, has concluded the examination of about three thousand serious delinquents. Each case was investigated carefully, and every effort was made to insure the discovery of the pertinent facts touching upon the delinquent and his life.

Concerning the authors of all these crimes, it may be said that they had, as the resultant of their varied experiences, formulated divers beliefs which had permitted them to commit an anti-social act. The first step, then, in the process of understanding the causes of crime must be a study of the forces generating such asocial convictions. For when we are able to

postulate just what denies to the delinquent a moral and social appreciation of life, or what motivates him to disregard Society's tenets of right conduct, we shall know why he wills to commit crime. Conversely, to prevent the occurrence of an initial delinquent act, we must remove or immunize the factors that engender the belief in which the volitional phase of the act has its inception. To prevent the recurrence of criminality, these delinquent beliefs must be uprooted or sublimated.

Why is one man confirmed in the opinion that he should rob, and another equally convinced that he should respect the rights of others? Why are these mutually exclusive beliefs held by members of the same family, neighbors of the same community, citizens of the same commonwealth? The answer to one is the reply to all.

*Character Formation*

The findings of the investigations of the Catholic Charities Probation Bureau induce one to conclude that the summarized beliefs of any individual provide a cross-section of his character, and that crime is in the final analysis "an expression of faulty character." Character itself represents simply the totality of man's native endowed temperament, disposition, and instincts, combined with his acquired moral habits. Some of its bases are inherited while its superstructure is the result of experience. The whole is constantly undergoing processes of metabolism.

Every single contact made by the individual from the hour of birth to the moment of death influences his character. Habits formed, aptitudes inherited and acquired, passions indulged or restrained, instincts controlled or unleashed, are all contributors to its composition.

There is, however, with the advance of age, an appreciable change in the ease with which the character of the individual may be modified by external circumstances. Observation of recidivists, for example, has taught us that they frequently

display a definite fixity of character traits as a result of their life conduct and experiences. The beliefs countenancing their will to crime, when free of institutional confinement, seldom can be eradicated or sublimated by any known human measures. It appears, then, that to ascertain the causes of the criminal, and thus of crime, we must plumb the nature of the delinquent and minutely survey his development. That the task is large is evident.

*Differences in Character*

Jordan declared that:

> The study of character is not a puzzle that a man may work out overnight. Character is most subtle, elusive, changing and contradictory—a strange mingling of habits, hopes, tendencies, ideals, motives, weaknesses, traditions and memories—manifest in a thousand different phases.[59]

It has been made clear to us through our investigations that no one can reasonably hope to dissect a single character and lay bare *all* the factors that entered into its composition; but it has also become evident that through the study of many individuals, it is possible to define and establish the internal and external conditions which are primarily accountable for the character resultant.

For purposes of clarity and convenience, these conditions will be treated under the denominations of Heredity, Environment, and the Power of Choice.

*Heredity*

The discussion of crime causation through the ages has at various times centered about heredity and its influences on criminality, some students going so far as to find in criminal parentage the explanation of the progeny's delinquency. The criminal, by their theory, was born a criminal.

Today, however, it is regarded as evident that no one is

[59] William G. Jordan: *The Kingship of Self-Control.* Page 25.

born a criminal, but that each individual is ushered into the world with potentialities that may or may not become anti-social actualities. All inherit physical strength or weaknesses, all have psychic tendencies, appetites, and instincts, which combine to produce temperament with definite propensities for certain forms of conduct and character.

Gillin, in enumerating personal characteristics derived from ancestors, which often occasion a trend of conduct delinquent in nature, considers most important—physical and mental inferiority, insanity, superabundance of physical or mental energy (of an aberrational form, though not necessarily a defect), and nervous instability.[60] Our records present many instances where one or a number of these inherited factors were found that seemed to have a definite relationship with criminal acts.

In much the same way as there are transmitted to the child predispositions to bodily strength or weakness, which provide varying degrees of disease resistance, there are also inherited certain powers of resistance to moral wrong with which may be combatted suggestions of evil. These inherited psychic propensities are different in each individual and, though entering into the fundamental essence common to all men, set each one off as unique. The variations present in the native psychic equipment of men are, like finger-prints, as many as there are men.

It is, therefore, improper to ascribe to heredity the transmission of a criminal disposition as such, for its operation is an indirect one acting through such constitutional conditions as a dull or defective brain, an unbalanced or erratic temperament, or the over-development of some single instinct. Each individual, then, is born with certain physical and psychic advantages or disadvantages which may subsequently form the basis of either misconduct or right living. The result will depend largely on the environment into which he is thrust by

[60] John Lewis Gillin: *Criminology and Penology*. Page 160.

the accident of birth and the ideals of life which it influences him to elect.

How then shall we stop crime? To quote from the Catholic Charities Review:

> There is only one answer—by character formation. Character is *life*, it is activity, for life is dynamic. It is *life*—it is the whole texture of our consciously controlled actions which alone constitute us worthy of our human estate. It is life dominated by principles completely and knowingly mastered by adjusting them to standards of action, to ideals which we have accepted as our own. As those standards are good and directive of life, the character will be good; as those standards are bad and directive of subsequent actions, the character will be bad. We shall stop crime, we shall prevent delinquency only by teaching little children, by training them so that their lives will be dominated by principles that are beautiful, noble and good. Yet this is no easy task.[61]

It is in the counsels of religion, however, that there can be found those standards which are good and directive of life; since, as Cardinal Newman in the tribute which he pays to the value of natural religion, states, that, "grace completes nature, and that every Christian should desire to have the best natural conditions obtain as affording a richer opportunity for the action of grace." [62]

Dr. Foerster, author of several books on character and conduct which have been received with great favor, has confessed that such teachings, devoid of religious ideals, are very inadequate for present needs. In an address delivered at the Second International Congress of Moral Education, at the Hague, he stated that he had no doubt that "the more pedagogy is really concerned with the concrete problem of character formation, with the dark enigma of man's self-seeking, with his tragic dissension of will, with the psychology of experimentation and with the dynamics of self-conquest, the

[61] Edwin J. Cooley: *The Prevention of Delinquency—Catholic Charities Review*, November, 1924.
[62] John Cardinal Newman: *Grammar of Assent*. Page 389-408.

safer will it be to recognize again the pedagogically indispensable character of religious inspiration and the insufficiency of the modern substitute." [63]

*Environment*

It is on the material supplied by heredity that environment, meaning everything outside himself with which the individual comes into contact, works, somewhat as the goldsmith works upon the shapeless mass of metal, transforming it into a definite entity with certain distinguishing attributes. As the artistic quality of his product greatly depends on the skill of the goldsmith, so too, the social or asocial quality of the individual depends to a great extent on the potency of the constructive and destructive environmental influences exerted upon him. Moreover, the nature of the material, subject to the skill of the goldsmith or the alchemy of environment, its strength or weakness, its purity or grossness, the presence or absence of alloys, will determine the uses to which it may be put.

A moment's reflection will quickly enlighten anyone regarding the importance of circumstances or environment in the moulding of his particular life history. All readily recall the impress of understanding parents, of imaginative and intelligent preceptors, of encouraging friends. There is hardly a single one of us who cannot remember certain outstanding environmental influences which changed or deeply colored his future. It may have been a teacher, an event, a book, a play, a study of a philosophical system, a business, a vicious experience; many things may represent that influence.

Why are decent, law-abiding citizens what they are? Because they will to be such. Why are criminals what they are? Likewise, because they will to be as they are. But are not these dissimilar volitional acts influenced strongly by

[63] F. W. Foerster: *Memoires sur L'Education morale presentes au deuxieme Congres*, August, 1912. Page 5.

their dissimilar experiences, their different environmental contacts?

Through our investigations we are aware somewhat of the manner in which social conditions enter into crime. Retracing the life of many a delinquent, we discover that he was born of alcoholic and improvident parents and reared in a home wherein there were constantly in evidence expressions of parental cruelty, immorality, and neglect. He lived in a neighborhood traditionally criminal where low standards of personal morality prevailed. During the years when his forming character was most susceptible to influence, little or no constructive experience fell to his lot. With him, the two universal and human tendencies to imitate and to conform found expression in imitating the vicious forms of conduct with which he was intimately acquainted, and in joining the "gang."

These circumstances are not unusual for they or others akin to them, are found to have entered the life histories of many offenders. Is it surprising if the individual who encounters them should eventually want to be anti-social, should eventually place a higher value on conduct which fails to accord with the demands of society than on acceptable activities? To quote Dr. Kirchwey, "The criminal mind is not the result of a deliberate resolve to be a 'bad man' and take the chances, but the slow, unconscious fruition of a long process of alienation from the moral aims of society."[64]

Given an individual endowed with little moral resistance and little incipient strength of character and subjected solely to the untoward environmental influences recited heretofore, it should not surprise us if he turns to immorality, disorder, and crime in exactly the same manner that a well-born and well-protected individual expresses himself in the performance of irreproachable acts.

Undisciplined, poverty-stricken, broken, or vicious homes, detrimental interests in life, generated by these factors or by

[64] George W. Kirchwey: *The Survey Graphic*, March, 1926. Page 597.

developmental conditions such as arise during adolescence or are acquired from companions in the street—these are elements predominantly present in and lending form with color to the delinquent picture which life paints on the canvas of such inherited factors as emotional morbidity and instability, intellectual disabilities, physical weaknesses, or overcharged instincts. Of environmental conditions, those within the home are by far more important than those obtaining outside its walls, and similarly, such material factors as poverty and congestion are by far of less significance than such moral factors as bad discipline, vice, and, more than all others, the relations between child and parent. Examining case after case, the above noted major factors, usually found in combination, demand attention. Do they cause crime?

Our investigations dealt necessarily with the criminal alone. Yet, that those subversive conditions which we found to be factors in the lives of criminals are also present in the lives of non-criminals is shown in a comparative study of delinquent and non-delinquent groups recently published by Cyril Burt.[65]

Dr. Burt, recognizing the importance of comparing groups including delinquents and non-delinquents of about the same age and social condition in order to draw sound conclusions regarding the delinquent, studied 200 young offenders and at the same time a control group of 400 other children living on the same streets and attending the same schools. Both groups were tested, medically inspected and reported upon periodically by teachers and visitors according to the same schedules and methods. Burt tabulated the results in 22 valuable tables comparing factors which had resulted in delinquency in 200 cases and had no such result in 400 cases. It became apparent, however, that subversive factors were present to a much greater extent, in larger numbers and in more vicious combination, in the lives of the delinquents than in the lives of non-delinquents.

An analysis of Burt's tabulations reveals that physical de-

[65] Cyril Burt: *The Young Delinquent.* Page 11.

ficiencies are only about one-half as important as psychological and environmental defects. Psychological factors, whether due to heredity or environment, are of paramount importance. Subversive factors further classified show that emotional factors, intellectual factors, and physical factors, rank in importance in the order named.

Significant constitutional factors were found to be mental dullness, that transcended the level of defectiveness, and temperamental instability, that did not deviate sufficiently from normal to be classed as pathological. It was further found that causative elements in whatever form they may operate, can only operate through the psychological reactions to their influence.

Burt derides dogmatism when the causes of crime are being considered and is at pains to point out when discussing environment, for example, that:

> Some natures remain unsoiled though sunk for years in mud; others are porous and penetrable; and the grime works into the grain. *It is the personal reaction to a given situation that makes a man a criminal, not the situation itself.* It is not bad surroundings alone that create delinquency, but the workings of these bad surroundings on the thoughts and feelings of a susceptible mind.[66]

It may here be pointed out also that the influences of environment, considered in their larger scope, frequently depend for their effectiveness not so much on their constancy or period of operation, as on their intensity.

### *Power of Choice*

Though the delinquent may have inherited constitutional inferiorities, mental and physical weaknesses or defects, feeblemindedness or epilepsy, and though his home conditions may have been abominable, his parentage undesirable or uncertain, his environment vicious, and his companions unsavory,

[66] Cyril Burt: *The Young Delinquent.* Page 179.

these factors alone, destructive as they undoubtedly are, do not entirely explain delinquency.

> Does the individual human life drift passively on the stream of circumstances, pushed from behind by the current of hereditary forces and predispositions, and buffeted hither and yon by cross eddies of the stream, and the winds of adverse or friendly weather? Or does the person to some extent control his own course from within, using the energies of stream and wind to steer to a haven of his own selection? [67]

So Herrick puts the question to which we are persuaded to respond that there must be included also in the completed, rational mosaic of crime-understanding another vital element. And that is—the power of choice, capable of being exercised in varying degrees, by all.

It is not intended, however, to deny by this the impression that many cases were not found wherein the combined effects of heredity and environment had weakened the power of election. But there were also instances in which educated, well-bred, and socially established individuals came to delinquency knowing the reprehensible nature of the act committed, and determined to commit it.

Cognizance was also taken of the law-abiding members of the criminal's family, and many were found to be struggling under the same handicaps that beset the delinquent. Physical and mental debilities as well as untoward factors of environment had been a part of their lives, but, somehow, by a slight difference in temperament, or by the attachment of a greater value to right conduct, or by reason of character-discipline well administered and well received, they followed a life of normal endeavor.

All this, nevertheless, does not vitiate the contentions advanced to demonstrate that heredity and environment are indispensable components in delinquency. It does predicate, however, that beyond all other considerations of him, there is

[67] C. Judson Herrick: *The Child, the Clinic and the Court.* Page 156.

in the individual an autonomous power capable of rejecting or approving the course of conduct prompted by the beliefs which heredity and environment have engendered in him. The existence of this power is vigorously denied by many who consider with Barnes that "there is not the slightest iota of freedom of choice allowed to either the criminal or the normal citizen in his daily conduct."[68] We believe, however, that the individual is free to choose good or evil conduct, yet that his choice is modified by heredity, early training, and environment, and that there are gradations of responsibility according to age, intelligence, moral character and intensity of appeal made by the object presented to him.

A conclusion similar to ours was reached by Bingham who, in her summary of 500 sex delinquents, aptly remarks:

> From the cumulative evidence of our analysis, we are persuaded that heredity, circumstances of development and of environment, physical and mental condition when abnormal, act as causative factors in delinquency by reducing the power of individual resistance, by favoring the formation of faulty habits and low personal standards, and by failing to promote the establishment of sturdy inhibitions, but we are convinced that important as these are, they must be regarded as contributing rather than as actual causes of misconduct in view of the low proportion of other delinquents in the same families, children born and reared under similar conditions, and often endowed with the same grade of mentality, who might reasonably be expected to show corresponding behavior if the determinants of conduct were not largely dependent on the individual make-up. . . . The fundamental factor in behavior is not intellectual calibre or environmental conditions, but the peculiar personality which is played upon by emotional appeals plus concomitant circumstances.[69]

Though no scientific exactitude is possible in forecasting the conduct of a single individual, due to this intangible and

[68] Harry E. Barnes: *The Repression of Crime.* Page 24.

[69] Anne T. Bingham: Determinants of Sex Delinquency in Adolescent Girls, Based on an Intensive Study of 500 cases. *Journal Criminal Law,* Vol. 13. Page 560, Feb. 1923.

ungovernable autonomy of will, there exists, nevertheless, the probability of pre-determining the course of action of most individuals under given conditions of heredity and environment. And this is true, furthermore, not because the individual with a meagre moral equipment is constrained by these forces to elect one act rather than another, but because these factors, if unfavorable, in all probability will infuse in him unenlightened beliefs which will dim his vision and entice him to will a delinquent act, or will influence heavily an already weakened will. This is but another way of enunciating the old, old problem of "the proximate occasion of sin."

*Summary*

In summation, therefore, it is seen that all delinquents have definitely distinguishing qualities of character, and that each one is highly individualized, resembling his fellows only in that he has chosen, for one of many reasons, to commit crime.

So numerous and varied are these reasons that, as Burt says, "One striking fact leaps out in bold relief—the fact of multiple determination. Crime is assignable to no single universal source—it springs from a multiplicity of alternative and converging influences—it is the outcome of many confluents." [70]

Those who work with and seek to understand the criminal have this basic truism confirmed daily. When groping about the shadowy recesses of the delinquent mind for causes of crime (and it is to the mental life that we must turn always for immediate causes), we deal now with the feebleminded, then with the psychopath, now with the insane, then with the normally endowed. In one case we come upon mental conflicts; in another we discover mental irritations, anti-social grudges; now we learn that misdirected energies dominate the delinquent situation in one case; again we ascertain that the total mental content is the essential factor in another. Yet again we find a lamentable weakness of will, for as St. Paul says: "For the Good which I will, I do not; but the Evil which I will not, that

[70] Cyril Burt: *The Young Delinquent.* Page 574.

I do." [71] Moreover, we also note on the one hand weakened or overdeveloped instinctive tendencies and on the other, that a large number of lawless actions of offenders have been precipitated primarily by the environmental difficulties or the experiences of their lives.

We know of no psychological rules formulated which, standing alone, can be followed to successfully ascertain causes in a particular case of delinquency. Only a study of each case without regard to formal classifications is productive of results. To attribute John Doe's criminal act to his psychopathy or mental deficiency is non-conclusive, for John Jones, the decent citizen, also may be a psychopath or a mental defective. Individuals in a certain economic or social situation pursue criminal careers and others in the same situation are law-abiding. In the words of Healy, "we must look to the delinquent *and* to the situation to understand causes of particular criminal character formation, and hence any single crime which is only the outward manifestation of that character." [72]

The reasonable manner in which to approach crime, then, is to examine each criminal and determine what peculiar forces of heredity and what particular factors in his human environment have provided him with asocial beliefs, which permitted or sponsored the volition of evil. Having fixed the sources of his faulty beliefs, they must be sublimated to prevent the recurrence of his decision to commit crime. If, however, we find beliefs correct but a basic weakness of will, the will must be strengthened so that action may be in accord with conviction.

To prevent crime, on the other hand, it is necessary, through measures of social treatment, to eradicate in pre-development states, the loci of these asocial and delinquent beliefs, or these appeals to wills that are not strong.

In concluding any discussion on crime causation there is the disturbing consciousness that we are groping in the dark.

[71] St. Paul: Epistle to the Romans. Ch. 7, Verse 19.
[72] William Healy: *The Child, The Clinic, and the Court.* Page 41.

We know so little about crime and the conditions that breed it. Says the New York Times:

> Crime is a highly complex thing—an effect not of any one cause, but of many. The truth is that the whole matter of criminality as related to its origin, still is in a mist of almost unbroken mystery. We know a good deal about what criminals have done, but next to nothing about why they did it.[73]

[73] New York Times, Editorial, Nov. 16, 1925.

# CHAPTER XVI

# THE TREATMENT OF CRIME

A graduated scheme of correction, based upon a careful study of the individual characteristics and history, will either deter the habitual criminal or place him safely apart from his fellowmen, will individualize the treatment of each delinquent according to his characteristic tendencies, will reform the reformable, make justice speedy and certain, and will protect society to the maximum degree possible from the menace of an increasing army of criminals and the burden of their detection, trial and care.[74]

[74] John Lewis Gillin: *Criminology and Penology*. Page 854.

# CHAPTER XVI

## THE TREATMENT OF CRIME

### *Preliminary Requisites*

Preliminary to the application of any method of treating crime and criminals there must be perfected as nearly as possible the administration of the agencies employed to detect, arrest, and convict offenders. There are two important reasons for this. First, a lax administration of the law may be and probably is one of the many environmental factors contributory to the criminal belief that it is desirable to be anti-social. Secondly, the rapid detection and conviction of criminals are the foundation stones on which must be reared any subsequent program for their treatment. Society obviously cannot hope to reform or restrain the criminal while he is at large and continuing his career.

Many obstacles, however, combine to prevent the exercise of this preliminary function with the despatch and efficiency that should be characteristic of it. Numerically inadequate and untrained police forces, for example, can scarcely be expected to furnish the effective technique in policing methods requisite to cope with the professional criminal.

It is equally clear that such devices as easy and insufficient bail, delays of trial secured on technical grounds, legal procedure which incongruously shields guilty defendants, too numerous appeals, and other means to which the professional criminal resorts cannot be too severely criticized or too quickly eliminated. Fungus growths upon our criminal procedure, they are calculated to hamper and frequently obstruct the certainty and celerity of the administration of justice.

The evils indicated above, though formidable opponents of orderly, scientific criminal procedure, are not irremediable.

In part and in whole, they can be speedily corrected by intelligent action on the part of the community.

But following the conviction of the criminal, what then? Many public utterances argue for the revival of such a "grotesque anachronism as the whipping post or prisons which do not possess the ordinary decencies of life." The general public attitude towards the crime situation is that of inaugurating a campaign of efficient detection, of obtaining summary convictions, and of imposing severe penal sentences for the outlawed class.

However, the inauguration of such a policy of severe repression and retaliation, which, in the last analysis, is merely the result of temporary hysteria, would entail a serious blow to the rational conception of crime treatment and would throw back the practice of criminology to its status of a century ago. Such a treatment of the crime situation would be analagous to that of former days when, as Moran states:

> It has tried to keep individuals from murdering each other by burning, beheading, breaking on the wheel, sawing asunder, flaying alive, boiling, by pouring melted lead down offenders' throats, and by throwing them into dens of serpents. Criminals have been branded; they have been flogged; they have been placed in the pillory and the stocks; they have been exiled; they have been placed on the rack; they have been indentured and they have been transported, but crime did not decrease.[75]

A calm mind sees in such a process of intimidation and retaliation, a dangerous reversion to practices which have been notoriously ineffective in both deterring and reducing crime. What is needed at once is a program, rational and scientific, for the treatment and prevention of crime.

### *The Older Schools of Criminology*

Until the latter part of the 18th century, nothing that could be called a school of criminology had appeared. Pre-

[75] Frederick A. Moran: *Where Are We in Probation Work?* Page 2.

vious to that time punishment had been a hit-or-miss affair, based on no logical or generally accepted principles. Since that time four important schools have arisen which are particularly concerned with the question of the responsibility of the offender, namely, the classical, the neo-classical, the positive or Italian, and the modern, scientific school.

The theories of the *classical* school, first promulgated by Beccaria, to the principles of which Rousseau, Montesquieu, and Voltaire subscribed, maintained the doctrine of psychological hedonism. Its adherents contended that each individual calculates in advance of an action the pains and pleasures thereof and regulates his conduct accordingly. Therefore, in order to deter individuals from crime, it was necessary to punish them and so to adjust the amount of pain that it would exceed the prospective pleasure of the criminal act. Punishment was to be based on a sort of mathematical calculation applicable to all individuals, regardless of age, mentality, social status, or any other factor. Bentham [76] attempted to formulate definite mathematical laws for the infliction of punishment which were, according to Sutherland, "merely an extension of the hedonistic calculus." [77]

The *neo-classical* school of the French Revolution and the period immediately following acceded to the principal tenets of the classical school but asserted that they should be modified in certain details because children and lunatics could not calculate pleasures and pains and therefore should not be regarded as criminals and punished. Its followers also maintained that certain mitigating circumstances might also be taken into account and thereby established the principle that the responsibility for the crime was of primary importance.

The *positive* school denied the responsibility of any individual in any criminal act. They maintained that a crime was merely a natural act, like a cyclone, a flood, or a stroke of lightning, and denied that society possessed any ethical right

[76] Jeremy Bentham: *"Works." Principles of Penal Law.*
[77] Edwin H. Sutherland: *Criminology.* Page 336.

to punish. They admitted that society must take due precautions to protect itself against the depredations of criminals, and they conceded that society, for its protection, was justified in administering the death penalty or in segregating permanently undesirable individuals. They asserted that reformable offenders should be reformed, and those that could not be reformed should be exterminated or segregated. Furthermore, they insisted that it was extremely important to study the conditions and causes which produced criminality.

The policies and principles of the neo-classical school have constituted the basis of the judicial and legal systems of Western civilization. With regard to the theories of these schools, Healy and Bronner write:

> The theories earlier set forth voluminously by continental writers and the narrow, one-piece explanations of some American and English theorists must all be discarded for a larger vision. We must perceive the individual and his environment reacting back and forth on each other, each being changed as each is reacted on.[78]

*Conventional Methods of Treatment*

The conventional policy pursued by society in handling the criminal has been then, and today largely is, that of bulk repression. The law which defines criminal conduct also prescribes definite penalties to be inflicted upon the offender, and these penalties, with few exceptions, are lenient or severe in proportion to the slightness or seriousness of the damage resulting from the crime. This legalistic method of treatment, founded on the neo-classical theory that all men, excepting the insane and of late years the juvenile, are absolutely and equally accountable for their acts, intimately associated with the developmental and formative stages of

[78] William Healy and Augusta F. Bronner: *Delinquents and Criminals.* Page 227.

the law and completely coloring it, is now seen to be incapable of legitimate defense.

Paul L. Blakely, S. J., writing in "America" on January 9th, 1926, observes that "as the psychologist, so too the moralist admits—indeed he has known for centuries—that certain influences arising from heredity and environment lessen and even remove responsibility." And yet, our criminal system, emphasizing the criminal offense and minimizing its antecedents, is the outgrowth of the negation of this idea and the acceptance of its direct antithesis.

In every other field of activity we demand evidences of soundness and security before embarking on a particular undertaking. And yet in the measures utilized in the attack against crime, society has insisted and persists today in the endorsement of principles and methods that are seen by intelligent persons to be entirely fallacious and faulty.

Under these circumstances it is not amazing that the conventional method of treating criminals, reared as it is on such an infirm basis, should be productive of such little permanency of result.

In the course of the studies of the Catholic Charities Probation Bureau, it was comparatively rare to come upon, in the ranks of first offenders, a delinquent involved in an unusually serious or atrocious crime. The greatest menace to society is generally the criminal who has been unsuccessfully subjected on previous and numerous occasions to the conventional method of treatment. Recidivism is perhaps the strongest indictment of the failure of our present system.

*The Modern Scientific School*

During the past two decades, there has grown up a new school of thought in criminology whose principles are diametrically opposed to those of the classical or hedonistic school. It holds that crime is the result of an individual's reactions to social conditions; of his outlook on life and sense

of values; and that its causes are deeply rooted in human and social life.

According to its tenets, criminals may be classified for convenience in discussion, into five groups: first (and this is by far the largest group) it places the *normal individuals,* who, influenced by environmental conditions and improper associates, indulge in crime. Second, (and this is the most dangerous group) are the *professional criminals* who have chosen to devote themselves to a life of crime. Third, are the *mental defectives,* who because of their retarded comprehension and ready susceptibility to suggestion are induced to participate in criminal acts. In the fourth group, it places the *psychopaths,* the emotionally unstable, who because of their numbers and the difficulties surrounding their adjustment present a grave problem. Fifth, there are the *insane,* relatively few in number, who, because of their total irresponsibility, become involved in crime. The inference must not be drawn that the affixing of the foregoing more or less arbitrary labels carries with it any indication that the label is intended to explain the individual and his acts or that there is not differentiation and overlapping of characteristics of delinquents within the groups.

The modern scientific school, moreover, recognizes the presence of individual responsibility and choice, and various gradations of responsibility, and admits that in proper cases, punishment by the social body is justifiable.

Moreover, it insists, as history shows, that not only has punishment as administered failed utterly in most instances to deter crime but has also been lamentably unsuccessful in curing crime. All too often the imprisonment, and nothing further, of a young or first offender has transformed a chance law-breaker into a sophisticated and accomplished criminal. Incarceration, instead of reforming the offender's conduct, has provided an ideal opportunity for the hardened professional criminal, with whom he is thrown into contact, to train the junior and novice in skillful criminal practice.

Sixty per cent. of our prisoners today have had at least one previous imprisonment; therefore, punishment and fear of its repetition has not sufficed to keep this number from returning to prison. As Dr. Platt says:

> Fear is but a transient emotion; it may soon be replaced by a desire for revenge, a something far more enduring. To many a convict this secondary reaction becomes an obsession, compelling his thoughts and his dreams; it easily overrides all fear; when he emerges from his cell, it guides all his actions—there is left of his fear but the snarl of a new hatred.[79]

Munsterberg sums up the reasons for believing the deterrent power of punishment is limited as follows:

> The hope of escaping justice in the concrete case will easily have a stronger feeling tone than the opposing fear of the abstract general law. The strength of the forbidden desire will narrow the circle of association and eliminate the idea of the probable consequences. The stupid mind will not link the correct expectations, the slow mind will bring the check too late, when the deed is done, the vehement mind will overrule the energies of inhibition, the emotional mind will be more moved by the anticipated immediate pleasure than by the thought of a later suffering. And all this will be reinforced if overstrain has destroyed the nervous balance, or if stimulants have smoothed the path of motor discharge. If the severity of cruel punishments has brutalized the mind, the threat will be as ineffective as if the mildness of punishment had reduced its pain. And, worst of all, this fear will be ruled out if the mind develops in an atmosphere of crime where the child hears of the criminal as a hero, and looks at jail as an ordinary affair, troublesome only as most factors in his slum life are troublesome; or if the anarchy of corruption or class justice, of reckless legislation or public indifference to law defeats the inhibiting counter idea of punishment and deprives it of its emotional strength.[80]

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[79] Charles Platt: Does Punishment Pay? *Survey Graphic,* March 1926. Page 606.

[80] H. Munsterberg: *On the Witness Stand.* Page 258.

Furthermore, the old schools of criminology have overemphasized the significance of the offenses and have overlooked entirely the supreme significance of the human equation. They have almost wholly ignored the fact that all men are highly individualized in nature and behavior, and that even after granting that a certain crime committed by a certain individual merits punishment, this punishment must be adapted to the needs and peculiarities of the offender. Variations in mental equipment, mental attitudes, emotional balance, habits, predilections, conditions of environment and idiosyncrasies of the individual in his daily life, weakness and strength of will, all of which modify or intensify responsibility, render imperative a careful study and a skillful adjustment of the punishment.

The scientific school, while recognizing that police protection of the community is essential, that the existence of courts and penal institutions is necessary, nevertheless maintains that a considerable modification of the present practice is desirable. It holds that the objective and legalistic attitude towards the offense and the rough-hewn rule-of-thumb method of pronouncing sentences should be transformed into one of a subjective, psychological treatment of the offender, and the adjustment of the punishment to his individual circumstances. In essence, it would substitute the scientific procedure for the traditional procedure.

*Changed Attitude Toward the Criminal*

To treat intelligently the existent criminal there must first be a change of attitude from that of objective hostility to one of calm comprehension. The attitude characteristic of our approach to the problems of ignorance and disease must become our habitual position when dealing with the delinquent. This attitude does not deny the value of punishment either for deterrent or reformative ends, but it does deny the value of punishment as an end in itself. It examines all measures from the point of individual and social well-being and urges

the discarding of those measures which are found wanting in the light of that standard.

Some expression of that attitude is already to be found in juvenile court procedure, the methods of certain reformatories, and the agencies of probation and parole.

*Social and Non-Social Attitude*

The principle of objective hostility towards the criminal is not compatible with the concept gained of him through a survey of the social and psychological conditions attendant upon his delinquency.

The implications of the legal conception—that mass treatment of conduct disorders, classified mainly according to offenses committed, can succeed—are unscientific. Dealing with the situation of the offender according to the classification of the offense, but with a limited knowledge of the delinquent and his etiology, has failed through the ages to deter or cure criminality.

An attempt to secure adjustment of the individual by merely lodging him in an institution and thereafter leaving him to be dealt with according to general theories regardless of the ascertained facts in his case will not, based on past experiences, meet with success in accomplishing reformation in any great number of cases. Institutions as at present organized and equipped, are not in a position to undertake individualized therapeutic methods effective for the understanding and adjustment of delinquents.

The proponents of sane and progressive methods of dealing with criminals hold no brief and make no special plea for the criminal. They are interested primarily in protecting life and property and in preserving peace and order, but they do not believe in undue and indiscriminating severity which has failed to suppress crime through all the ages, and which has ever bred more crime than it has cured. Their purposes are constructive. They are not mere meddlers with

the enforcement of the criminal law. Their aim is to understand the criminal and his etiology. They believe that there are all kinds of criminals, as there are sinners, unapprehended, and that there is no inherent difference in the mental and moral endowment of criminals, as a class, that nullifies the hope of readjustment.

Assuming that society will be persuaded to abandon the futile notion of absolute responsibility with its concomitant attitude of hostility toward the criminal and substitute the more scientific and more humane attitude of comprehension, along what lines should the consequent plan for his care proceed?

*Consequences of Social Attitude*

With this modification of attitude, there will undoubtedly be brought about a direction of social effort into three major channels. Society will then be concerned with the reformation and segregation of criminals and the prevention of their multiplication. The reformable delinquent will be subjected to proper treatment; the non-reformable criminal, whether insane, defective, or the normal individual, unalterably fixed in his anti-social habits, will be segregated, if necessary for life; and the potential offender will be discovered and prevented from crossing the line to active delinquency. To carry out this program, our legal forces must necessarily be socialized, an effect to which probation, through its scientific arm of social diagnosis, may make a real contribution.

*Probation an Aid to Socializing Courts*

The criminal courts of the country have been organized primarily to protect society. They uphold the dignity of the law, enacted for the protection of all the people, which, if broken with impunity, would weaken and perhaps destroy the integrity of the State. As Boies says, "The defense of society against crime enunciates three ethical laws, espe-

cially, as inexorably regnant in the trial of criminals, among those definitely enacted or established by courts:

1. That it is the main object of the trial to enforce obedience to law.
2. That it is the exclusive purpose of the trial to determine the measure of the guilt or the innocence of the accused by the full disclosure of all the facts and law pertinent to the case.
3. That it is the supreme duty of the judge to compel rigid conformity to law in every process of the trial.[81]

However, during the past few decades there has grown up a school of thought which asserts that the larger aims of the court are served if due consideration is given not only to the punishment of the offender who breaks the laws of the State, but also to the latter's personality, physical or mental condition, and the circumstances of the offense.

It is a weakness of the penal code as it exists today that the length of punishment is fixed according to the nature of the overt act. This objective determination of the length of punishment, while it serves the purpose of temporarily preserving society from the depredations of a criminal, to a large degree handicaps the reformative efforts on the part of the institutions to which the offender may be committed. The modern penal institution aims at the permanent reformation of its inmate. The period required for the accomplishment of this task varies according to the age, character, and temperament of the offender. No criminal who is actually consigned to an institution should be permitted his liberty until it seems probable that his anti-social habits and propensities have been corrected; otherwise the scheme of the community's protection becomes a mockery, since, to the unchanged criminal, release means merely an opportunity for further depredations. Thus, the adoption of a genuine indeterminate sentence, which would specify that no criminal could be released until his mental and emotional attitudes

[81] Henry M. Boies: *Science of Penology*. Page 425.

were altered, would mean a real protection to society and also a humane and constructive attitude towards the individual offender.

Modern probation can, by the introduction of scientific diagnosis of the offender, exercise a profound socializing influence upon the attitude and procedure of the courts. Through its exact and inclusive consideration of the essential factors involved in the character and conduct of the criminal, the probation service can provide that background of knowledge and understanding which will make our courts, to even a greater extent, clearing houses for social and humane justice.

*Reformation and Segregation*

The criminal population lends itself to a rough division into members who are reformable and those who cannot be induced by any known human means to alter their conduct. To the latter class, for example, may be assigned the insane delinquent so long as he definitely deviates from the normal. Certain of the mentally defective, and numerous criminals who are conclusively psychopathic, would likewise be embraced in this category, assuming that their defective intelligence or emotional instability—perhaps innate and unalterable—is clearly seen to be related to their criminality. It is not possible to establish a perfect line of demarcation between the two groups because a certain number of criminals readily fall into both classes.

(A) *Segregation*

Segregation of the non-reformable criminal is a concept based on and justified by the necessity of social protection. To incarcerate the confirmed and habitual criminal for a definite period of time and then to release him with little formality to again prey upon the law-abiding members of the community is obviously wrong. A continuous cycle of offenses and imprisonments is indefensible both from the

standpoint of practicality and from that of justice to the community.

Recidivism, however, does not necessarily argue that the criminal is beyond reformation. It may merely indicate the inefficiency and inaccuracy of our present methods of reform. With the advance of the understanding of crime and the criminal, and the application in our institutions of individualized treatment, recidivism may be to a great extent eliminated. Greater knowledge, too, in the field of endocrinology and in other branches of medical science may result in the favorable transformation of delinquents who are now regarded as non-reformable.

Segregation, then, though necessary as a protective social measure affecting the present and the future, should, because of its unquestioned severity, be made use of very carefully. Adequate investigation into every phase of the criminal's environment and heredity, and his physical, mental, and psychological status should be made prior to the decision that he is hopeless from the point of reformation. For such cases as are thus scientifically determined to be irremediable, segregation is the natural course.

(B) *Reformation*

With the reformable criminal, however, there are other and more constructive methods to be employed. Here, the need for individualized treatment is again apparent, and success in handling the delinquent will depend on the facilities for individualization provided by the various agencies and institutions.

As the basis for a conserving, rational system of treating the delinquent, there should be incorporated in every court adjudicating the cases of juvenile delinquents, misdemeanants, and felons, a modern probation service. These probation bureaus, moreover, should have affiliated with them mental clinics and specialists in psychiatry and psychology, so that their investigative departments may report accurately and

completely to the court the precise social diagnosis and prognosis of the defendant.

As a result of this "sifting process" the disposition made of the offender will be contingent entirely upon his individual potentialities and needs. The proper human material will be given over to the social case work treatment of the supervisory department of the probation bureau, while other delinquents will be committed to institutions adapted to their needs.

Psychopathic, feeble-minded, and insane offenders will be given into the custodial care of special institutions, as will the epileptic and diseased. The period of confinement will be indeterminate and will depend on the curability of the delinquents. Some will be held for life.

To the reformatories will be committed normal delinquents, and again the sentence will be truly indeterminate. After careful inquiry into their capacities, these delinquents will be provided with education, vocational training, and advanced practice in industrial pursuits. The older, normal prisoners who will be found incapable of learning a trade will be sent to agricultural prisons and farm colonies. Indeed, it is quite possible that these institutions might become self-supporting and permit a return to the prisoner of the surplus beyond the amount necessary for maintaining him. In this way, character would be remoulded, the State would be spared expense, and the delinquent's family would be less dependent on charitable aid.

Apropos of institutions as presently constituted, Healy has justly remarked that they

> have a great, fundamental opportunity, inasmuch as they offer a controlled environment. Of course, the reformatory is built up on this idea. The difficulty is, that, following the establisnment of a plant there has been too much complacence. It is one thing to develop an environment, and another thing to know that it fits the individual. As a matter of fact, there is a great deal

> of evidence that institutions do not fulfill the needs of a goodly number of inmates. Where effective results are achieved they are due largely to the fact that offenders are steadied through certain unstable age periods. The efficiency of institutions could be greatly increased if they were divided into smaller units, where offenders could be classed much more nearly according to the possibilities of their treatment. This classification should be studiously developed upon a psychological basis for the most part. It should begin with segregation of mental defectives, to whom standard treatment is not fitted.[82]

Every institution should be supplemented by a strong, well-organized, and competently administered parole system, capable of constructively aiding the inmate in the difficult period of his readjustment to the community and capable also of returning him promptly to custodial care should his conduct become socially undesirable. The determination of fitness for parole, the pre-release procuring of employment, and a survey and preparation of the environment in which the paroled delinquent is to live will form an important part of this service.

Kirchwey points out that

> the principle of the liberation of the prisoner on parole assumes three conditions, no one of which has ever been realized in practice:—first, that the prison shall be a school of industry and of training in the responsibilities of citizenship; second, that the fitness of the prisoner to be restored to freedom shall be determined by a body of high intelligence and of special, expert capacity in the judgment of character; and, third, that the released prisoner shall, until he is securely established, receive constant supervision, encouragement and aid from the state. How can we blame the community for distrusting a system under which a malefactor is automatically released at the expiration of his minimum term on no other evi-

[82] William Healy: *The Individual Delinquent.* Page 176.

dence of his fitness than his record of docile conformity to the deadly routine of prison life? [83]

It should be apparent that this plan of treatment sanctions no sentimentalism or "coddling" of criminals. The sole end sought is the protection of society and the proper consideration of the problem of crime and the criminal. The plan "is not, as some people would seem to contend, founded in emotional solicitude for the welfare of the delinquent to the detriment of society in general." [84] Punishment and educational discipline, insofar as they are conducive to encompass a socially desirable end, must be utilized. When, however, punishment and discipline without training serve but to engender antagonism in the criminal mind and do not effect a change in his habits, their application cannot be too strictly censured. Methods of imprisonment and punishment justify their existence only when they constructively alter the criminal's attitude towards socially acceptable conduct.

With an enlightened socialization and scientific administration of our institutions and our legal forces, there will arise a more rational understanding and a more progressive treatment of the age-old question of crime and criminals. That there is hope for the realization of this goal is pointed out thus by Dr. Kirchwey, "We shall do something about crime. That hardy annual, the crime-wave, is our opportunity. As we now lead the civilized world in crime, so shall we lead it in the understanding and the wise treatment of crime." [85]

*Summation*

The underlying philosophy of the treatment program of the Bureau is well expressed by Dean Pound, who says:

[83] George W. Kirchwey: *Proceedings National Probation Association,* 1925. Page 189.
[84] Rev. Robert F. Keegan: Justice and a Crime Program. *Commonweal,* November, 1925.
[85] George W. Kirchwey: *Survey,* March, 1926. Page 634.

> One of the most insistent demands of today is for individualization of criminal justice, for a criminal justice that will not return recidivists through the mill of justice periodically at regular intervals, nor on the other hand divert the youthful, occasional offender into an habitual criminal by treating the crime in his person rather than the criminal.[86]

Briefly the program of the Bureau may be summarized as follows:

(1) Police forces must be numerically strengthened and adequately trained.
(2) Bail evils, legal technicalities, incongruous legal procedure, too numerous appeals must be corrected.
(3) Our legal forces must be completely socialized.
(4) Doctrines of classical, neo-classical, and positive schools of criminology must in whole or in part be repudiated.
(5) Modern science with *individualized consideration of offenders* must underlie criminological theory and overflow into legal practice.
(6) Offenders, following intensive individualized diagnosis, must receive treatment according to their requirements, thus:
    (a) Irreformable individuals should be segregated, for life if necessary.
    (b) Reformable, first, and plastic offenders should be accorded probationary treatment.
    (c) Normal individuals needing institutional care should, depending on their age and mental aptitudes, be
        1. Furnished with education, trade instruction and moral training.
        2. Employed in agricultural pursuits at farm colonies.
(7) Asylums for the insane, hospitals for the diseased, in-

[86] Roscoe Pound, Dean of Harvard University Law School.

stitutions for the defective and the psychopathic must be provided.

(8) A strong, competent parole system must be attached to all institutions.

(9) Punishment as an end in itself must be eschewed. Discipline must be substituted for punishment and administered wisely.

(10) Above all, there must be recruited for the war against crime, workers equipped by nature and training who are able to understand human conduct, and who can successfully apply the knowledge made available.

Bronner states the situation briefly:

> The time has come to view the treatment of delinquency with this bigger vision, as a process where all aspects are related and mutually interdependent; that is, as an integrated whole. We have been too largely thinking in discreet, unrelated terms, focusing now on one step, now on another. We have thought too much of the separate processes—of the court apart from all the rest, of detention, of clinical study, of probation, of commitment, of parole—each functioning alone, uninfluenced by and uninfluencing all the rest. Advance lies in seeing the problem as a *whole* in which every part has a relationship to every other part, all constituting one process, the facts closely relating and interacting.[87]

[87] Augusta F. Bronner: *The Child, The Clinic, and the Court.* Page 87.

# CHAPTER XVII

# THE PREVENTION OF CRIME

I once read a poem which tells the story of a city built on the top of a high cliff. Inhabitants of the city sometimes walked too near the edge and fell over the cliff into the valley below, and were injured or killed by being dashed upon the rocks. The inhabitants of the city met together to decide what they had better do about it. It developed that there were two parties. One party said: "Let us build a fence around the cliff, so that the inhabitants will not fall over." The other party said: "No, don't let us do that. Let us buy an ambulance and put the ambulance down in the valley to pick up the people who fall off." The latter party won, and a fine ambulance with all its appliances was purchased, and it worked in the valley, picking up the people who fell off the cliff.[88]

[88] Katherine Bement Davis. *New York Probation and Protective Association Report,* 1914. Page 27.

# CHAPTER XVII

## THE PREVENTION OF CRIME

*Rising Public Interest in Crime*

Under the heat and fury of the prevailing crime situation, there is being incubated in our great metropolitan areas the germ of an active public interest in delinquency. Properly nurtured and directed, it may develop into a dynamic force capable of magnificent social strides and, on the other hand, if subjected to misguidance, may result in irreparable harm.

Unfortunately, however, this public zeal has been brought to bear exclusively on the punitive measures to be adopted against the authors of the alleged crime wave, and little attention is being paid to those who, five, ten, or twenty years hence, will cohere in a sea of misdeeds to form the crest and trough of the "crime wave" of another generation. Surely, to rest a fascinated eye upon the spectacular forms of crime which hold the current stage without seeking the causes which make these offenders act, is scarcely calculated to disclose to the spectators the motivations of their delinquency.

True it is that the present offender must be dealt with here and now. And this may be most happily done by the utilization of measures dictated by a social concept of the criminal as an individual rather than by the futile mass and objective methods fostered by fear or hatred.

But whether the measures adopted by society for the repression of today's crime be scientific or legalistic, and whether the effort be guided by the old or new attitude toward the criminal, the permanency of preventive results achieved will be negligible. For no matter how sweeping our success in combating the criminal now engaging our attention, our ef-

forts will in no wise check the battalions of delinquents marching out of the future. As someone has well said, "If we incarcerate every known criminal tonight, there will be new crimes and new offenders tomorrow."

*Treatment Compared with Prevention*

As imperative, then, as is success in crime *treatment,* it is overshadowed by the desirability of effecting crime *prevention.* Directly this is comprehended in a concrete, every-day fashion by the general public, directly the public becomes aware that criminals are not the creatures of either one condition determining their acts or of an inherited evil genius enthroned within them, the first great step will have been made toward the ultimate effacement of crime from the social order.

*Value of Socialized Public Opinion*

It is not intended to intimate that a public attitude sympathetic to the concept that delinquents are largely made by training and environment, just as non-delinquents are, will result in the immediate prevention of all crime. Such a romantic consequence of a socialized public opinion will be prophesied only by those whose experience with social reforms has been exceedingly limited.

Our knowledge of human behavior is too incomplete, and our explanation of human conduct is too faulty to permit such glowing predictions. An enlightened public opinion, however, will do much to accelerate the scientific study of these subjects and will no doubt bring about the establishment of laboratories and foundations that will be primarily concerned with criminality and its genesis. Thus-wise, a sane appreciation of behavior problems and the intricacies of character formation responsible for them will be at hand, and subsequent steps may then intelligently be taken to control delinquency effectively.

There is, too, another desirable possibility in the development of an enlightened public opinion, and that is, the frown-

ing down by a socialized public attitude of those panacea-mongers who, by their activities, becloud the pertinent facts of the situation. A problem as great and as vital as that of crime should and will be accorded saner treatment than it is now receiving and will demand the attention and interest of all citizens if effective preventive measures are to be instituted.

*Limitations of Preventive Knowledge*

Most of our knowledge in the science of crime prevention is negative in character. Past experience gained through imposing harsh penalties on existent criminals, extending the application of capital punishment, and transporting delinquents has taught us how crime may *not* be prevented, but the positive preventive knowledge in our possession is rather meagre. The findings of psychiatry, psychology, and medicine, as related to conduct, are yet inadequate. They have not as yet been thoroughly demonstrated, established, and embodied in readily accessible forms. The mist of doubt and uncertainty has, however, been successfully dispelled at various points, and there is reason to believe that increased skill and the passage of time will clarify behavior situations that are now poorly understood. However, when all is said and done, there always will be an irreducible minimum of wrongdoing, as long as men are what they are. Yet we must slacken in no least way in our efforts to prevent crime, for if we do, then the irreducible minimum will grow to a tidal-wave.

*Illustration*

The wide-spread carelessness as to the processes of character formation may be compared to the medical ignorance that at one time surrounded the causative agencies of malaria. Beyond the fact that wide areas were ravaged by the disease, and that it frequently assumed malignant forms, little was known. With scientific application, however, the problem soon became less complex, and the sources and carriers of the dis-

ease were discovered, and absolute measures of prevention were made possible. It was no longer known merely that the subject had the disease, but also how it was acquired, how it might be cured, and how others might be immunized.

In much the same manner our examination into character formation, especially of the delinquent, has shown us where the germs of our social malady are to be found. It is easy to see the post-formation entity and have some inkling of the processes by which it developed. But what we need is a more carefully ascertained and more generally applied methodology of character analysis and synthesis which will take cognizance of every affecting force and its result. Character deterioration may be thus prevented or detected in its incipiency and restored to normality. Parents, teachers and social workers of all kinds will then understand better the principles of genesis and growth of character, and will be in a better position to provide adequately for prevention, immunization, and treatment.

Our present failure to detect the malforming character before it is fully matured constitutes the greatest obstacle in the way of crime prevention and, at the same time, the greatest challenge to our civilization. There is a task—to go beyond and around those theories which have conceived of the human character as inscrutable and incomprehensible, and to learn the exact method of its growth and functioning. This is a task of large magnitude, for we are dealing with complex, variously motivated human beings, no two of whom are alike.

*Positive Preventive Knowledge*

However, patient examination into the realms of behavior teaches us that there, as in the physical sciences, the principle of cause and effect is a fundamental notion. There is possible too, in a general way, a reasonable basis of predictability, though, on account of the presence of freedom of choice, such predictability can never be absolute.

We appreciate that there is some causal connection between hereditary and environmental factors and certain qualities of character and personality. We do not, however, know the relative weight of one circumstance of environment in moulding the character as compared with another. Nor do we understand with any degree of certainty the exact part played in the process of character formation by the inherited tendencies of the individual. Our analyses to date have been quantitative rather than qualitative in their findings.

Any program, then, for the prevention of delinquency can be sketched only in broad, sweeping outlines. We must always look to a more intensive study of individuals to give us supplementary details.

*Discovering the Individual*

It is obvious at the very outset that no blanket plan of prevention can succeed any more than can a unilateral theory of causation be found, or a uniphase program of treatment be formulated. Any workable rationale of crime prevention that may be promulgated must have as its salient feature adaptability to the needs of the individual. We must be on our guard constantly not only that the weak may not fall, but that the strong may not revolt. We must provide recreation, education, and, in a sense, a constructive environment for those who are to be restrained from delinquent careers; we must make a worthwhile life worthwhile to those whom we wish to live it, and must give them insight and power to realize their own potentialities. To attain these ends, it is essential that we discover the individual in his true psychological and sociological aspects, and for this a popularization and amplification of our facilities for examining semi-delinquents and non-delinquents mentally, physically, and socially is necessary.

Moreover, we should go beyond the present and concern ourselves as far as possible with the pre-natal life of the being with whom we are later to come in contact. Our methods must

be thoroughly scientific, and it is imperative that a questioning attitude be adopted and maintained as regards even the minutest detail of the forces that seem to bear on character formation. A program of prevention then, as it seems to us, must be concerned with social work, pre-natal, pre-school, and school life, psychology and psychiatry, economic factors, recreational planning, socialization of fundamental institutions, the law, and religion.

*Prevention Through Family Social Work*

To render more available to the cause of crime prevention the great potential and actual energies of social work, there are necessary only an expansion and an intensification of the services now at our disposal.

Countless families year after year come into contact with social agencies. Of the cases investigated by the Catholic Charities Probation Bureau, *sixty per cent.* had come previously to the attention of one or several social agencies. With greater resources, social agencies whose first contact is with pre-delinquents may prevent the development of delinquency. Social agencies sometimes fail to halt incipient delinquents before they reach the brink of crime because they lack the money and the staff to carry on with maladjusted families until they have truly reached the ideal envisioned by the social worker—that permanency of adjustment, that possession of the capacity for useful social life, which enables the individual and the family to go on without outside aid.

It is desirable that families in which there are to be seen outcroppings of maladjustment should have the benefit of prolonged contact with constructive social forces. To meet this need we must have more social agencies doing preventive work, more trained workers, and more resources for the task.

Thus equipped, social workers will be able to give added emphasis to the preventive aspects of their work. They will be able to achieve their objective of permanency of results, they will become so organized that they will reach out for

problems through community surveys, and their help will not be limited, as it now too often is, to the applicants who only recognize specific or immediate needs of their own. When the community becomes fully aware of the needs and opportunities of social work, and adequate resources are made available for the great task of prevention, we shall have gone far toward checking criminality at its source.

Our thesis then is the strengthening of the forces of social work. By so doing, we can study in a thorough and scientific way the daily lives of such persons as those who, under our present system, receive individual diagnosis and examination by psychologists and criminologists only after they have come into conflict with the law. We would be in a position also to follow step by step the individual's evolution in the social order, and would be able to assist him over difficult passages, to offer advice at crucial stages, or to ferret out the causes and cures of an impending or incipient maladjustment. We would be looking at the individual not in retrospect as we do today when he taxes our best methods of character adjustment, but we would be looking forward with him at various periods of his life and would be engaged in the much more profitable occupation of character synthesis.

*Pre-Natal and Pre-School Prevention Work*

With a broader application of the services of social organizations, and with an extension of the facilities of the clinics now doing much excellent work, it would be possible to continue our present efforts in the field of pre-natal care on a larger scale. It would be necessary only that the things we are doing now in a restricted way be done in a manner that would bring the assistance of our clinics to a greater proportion of the community at large. To achieve this result, the interest of the medical profession must be developed to a greater degree, and general practitioners must study their patients more intently to understand the psychological, social, and physical forces which have a bearing upon pregnancy.

Cases other than normal might thus be noted and referred to specialists and clinics, where proper records may be kept and continued scientific observation may be had.

Going further, our present attempts to impart to the mother of the child after birth a thorough knowledge of its care might be so supplemented that the early development of the child would receive constructive supervision. Children who show delinquent trends and unsocial personality traits should be given skilled care from an early age. Parents should be educated to the importance of the pre-school period; it is then that the basis of character and personality peculiarities are first laid down.

Periodic examinations during the pre-school stages of the child's life will go far to detect, at an early age, those who are unfitted for the normal ways of life as well as those who are of average or superior mentality or physical calibre. Each child must be approached individually as a unique human being, with a peculiar constitution, peculiar difficulties, and peculiar problems of his own. The preventive values of early diagnosis and treatment are obvious. Were this plan worked out on a large scale, each child would be prepared from the outset for the experiences he is about to encounter in school life.

Care must be taken to socialize the personality of children as they develop. Gillin emphasizes the importance of this phase of the child's life in these words:

> Studies in child psychology and the explorations of the psychoanalyst have revealed that many anti-social attitudes have their roots in early childhood. Repressions often begin then which later find expression in crime. Grudges are begotten which determine the whole future career. Attitudes toward authority whether they be parental, legal, school authorities or what not, often are begotten by the experiences of children at an early age.[89]

Thus it is manifestly important that children have contact

[89] John Lewis Gillin: *Criminology and Penology.* Page 855.

with understanding personalities who are able to guide their groping spirits into proper adjustment in a new world.

In our program for the prevention of delinquency the emphasis on work with the child is on the safeguarding and upbuilding of normal children, the socializing of unstable children, and the training or segregation of defective children. Our interest in the abnormal is secondary to our interest in the normal who not only constitute the vast majority of our youth, but who also are, in later life, in considerable numbers, our delinquents.

Through clinical study, individual diagnosis and adjustment of problems, a greater understanding of the normal child can be arrived at, and he can be developed to the limit of his potentialities and brought to a fuller social life.

When the public generally is educated to the belief that the mental and physical health of their children is a matter of vital importance not only to themselves but to the developing child, it is probable that more sympathetic cooperation of families might be had with those agencies which are interested in child guidance.

*Prevention in the School*

Accepted authorities in the field of education support the proposition that a radical change in the school system is imperative if we are wisely to prepare the growing child for his independent life in the community.

In the late Charles W. Eliot's opinion:

> In the ideal democratic school, no two children would follow the same course of study or have the same tasks, except that they would all need to learn the use of the elementary tools of education . . . the different children would hardly have any identical needs . . . the perception or discovery of the individual gift or capacity would often be effected in the elementary school, and the making of these discoveries should be held one of the most important parts of the teacher's work.

The Honorable John J. Tigert, United States Commissioner of Education, says that:

> It is now realized that there is an urgent need for the reorganization of the school curriculum. . . . Experiments and practice have shown that the traditional elementary school curriculum can be shortened. It has also been shown that the curriculum can be enriched by the addition of subjects which would have value in contemporary life.[90]

According to M. V. O'Shea, Professor of Education at the University of Wisconsin, "the chief purpose of the school in America is to make an individual social." Hence, "traditional studies are being modified greatly with a view to retaining only the topics that appear to relate directly to the needs of contemporary life." [91]

Upon the entrance of the child to our schools there might be submitted to the school authorities a record of the developmental history and pre-school life. On the basis of classification of the individual, the course of study should be so adapted to individual needs that the proper physical, mental, and vocational training is offered every trainable child, despite his mental or physical handicaps. A beginning in the realization of individuality of education has been arrived at in those school systems which have provided rapid advancement classes, classes for the mean of intelligence, retarded, special, and handiwork classes.

During the pre-adolescent stages of his life, the child is normally under the influence of the school, and it is here that serious dangers are to be faced, and the most delicate adjustments are to be made, if we are not to fail in our efforts toward the prevention of delinquency. Although rapid strides in the development of clinical service in our schools have been made during the past few years, and although the attention of our

[90] John J. Tigert: *The Child: His Nature and His Needs.* Page 346.
[91] M. V. O'Shea: *The Child: His Nature and His Needs.* Pages 365, 395.

best educators has been turned to the problem of individualizing as far as possible the existent mass methods of school instruction, we are yet hardly within shouting distance of our ideal in the school system.

The keynote of modern educational thought is individuality, but to the science of childhood guidance much can be added, and there are as yet all too few specialists in the treatment of childhood problems. During the pre-adolescent period, when all the physical and mental energies of a child are moving with rapidity to the point of adolescence, there is an imperative need for constructive guidance and for calm and intelligent people to explain the child to himself and to explain to him the changing world. Here there are conflicts to be removed, doubts to be effaced, and questions to be answered which experience has taught us can be neglected only with dire results. At this point our clinical service for the mental and physical examination of the child must be expanded and developed to a point of the highest efficiency. Recommendations based on the findings of a careful diagnosis must be followed out intelligently and sympathetically if we are to assist the growing child over the danger spots on the road from pre-adolescence to adolescence.

Examination of children should be conducted according to a rational standard plan. It seems to us imperative as a minimum standard that every child be studied and examined as to the condition of health, mental aptitudes, and temperamental traits upon entering school and should be re-examined annually until the fifth grade at least has been attained. School department bureaus, in charge of a social worker, for the treatment of truancy, misconduct, and behavior maladjustments developing in school life should be an integral part of our educational system. Most of all, perhaps, teachers should be trained and encouraged to observe and detect early manifestations of delinquent conduct.

The fact that there is a prohibition against the teaching of a definite faith in the public schools imposes a further obli-

gation upon teachers, for as Archbishop Spalding has said, "The fact that religious instruction is excluded makes it all the more necessary that humanizing and ethical aims should be kept constantly in view."[92]

A larger number of visiting teachers also must be supplied to smooth over difficulties and conflicts arising in the lives of these plastic pre-adolescent children from either school or home conditions.

Adolescence still finds the child under the influence of our schools, either in the latter years of the grade schools, the lower classes in high school, or in attendance periodically at our continuation schools. Unless the foundations of good character and right living have been laid down in the child during his formative years, the educational authorities will not be able to meet the task which is then presented to them.

During this period, the individual in whom the proper attitude has been developed by his teachers will seek advice and counsel during hours at school and will bring to his preceptors for solution the problems that trouble him. The youth in his teens is frequently making at this time his first contact with the world of industry in after-school or part-time employment. He is forming new relationships and is discovering in his every-day contacts with life new types of people and new standards of conduct.

It is at this critical time that our energies should be expended to help the individual through the first stages of adolescence, which make more imperative his need of understanding, sympathy, and constructive guidance. We have taken the child in our schools and have returned him to the world at the threshold of manhood. It will be by his subsequent life that our success or failure is determined. The school, properly considered, is not merely an instrument for the education of an individual, but it is also a social factor under the influence of which the family in general may be educated and

[92] Most Rev. John L. Spalding: *Means and Ends of Education.* Page 141.

may be brought into contact with all the best features of the community. Theodore Roosevelt, in an address "On Reading the Bible" speaks of education as follows:

> In this country we rightly pride ourselves upon our system of widespread popular education. We most emphatically do right to pride ourselves upon it. It is not merely of inestimable advantage to us, it lies at the root of our power of self-government. But it is not sufficient in itself. We must cultivate the mind; but it is not enough only to cultivate the mind. With education of the mind must go the spiritual teaching which will make us turn the trained intellect to good account. A man whose intellect has been educated, while at the same time his moral education has been neglected, is only the more dangerous to the community because of the exceptional additional power he has acquired. Surely what I am saying needs no proof; surely the mere statement of it is enough, that education must be education of the heart and conscience no less than of the mind.

Delinquency in children cannot be walled off and set apart. It is integrally associated with the welfare of all children. Crime is not unique. It touches every side of social work, not only the policeman and the children's court, but the pastor, the teacher, the school visitor, the family case worker, the probation officer—all who come in contact with the child should work hand in hand with all of the forces that seek to better the life and opportunity of the child. And the greatest of these forces is religion for "Religion," says Herbart, "will never hold the tranquil place in the depths of the heart which it ought to have, if its fundamental ideas are not among the earliest which belong to recollection,—if it is not bound up and blended with all that changing life leaves behind in the center of personality." [93]

*Recreational Planning for Prevention*

To supplement the work of the schools and social organizations, and as something subsidiary to them, there should be

[93] Most Rev. John L. Spalding: *Things of the Mind.* Page 13.

in any well-constructed plan of crime prevention some provision for the improvement and development of the recreational facilities of the community, outlets for youths' leisure time.

At the present time in our congested cities play places are all too few, and instead of supervised recreation, whereby might be brought out the valuable personality traits of children and youths, we find a condition which permits of few recreational outlets other than the streets and commercialized amusements. In our large cities there is great need for more playgrounds and for places where children, after school hours, and during the day in summer time, might find an opportunity to indulge in sports and games of a wholesome nature. Through the team play and fairness which are an integral part of the spirit of playground activities, the child who finds a place in which to play, soon comes to adopt almost unconsciously an attitude of fairness toward others and appreciates the values of unselfishness and cooperation.

"We have let the delinquent," writes Dr. Kirchwey, "run wild in the streets and alleys of our great cities during the impressionable years of childhood and early youth, when life is still the great adventure." [94] So long as we permit our children to roam aimlessly about the streets, to gather in unsupervised poolrooms and questionable resorts, and to be open to the approach of undesirables of every sort, we shall have a condition whose relation to delinquency is patent. Leisure hours offer the greatest opportunities for the cultivation of those habits and pursuits which end in delinquency. It is, therefore, essential that we make adequate provisions for filling the leisure time of the individual with constructive interests. More playgrounds and recreation centers for the young and community centers with more elaborate amusement facilities for adults must be provided.

With the complexity of our present civilization, neighborhood and community spirit has been to a great extent lost, and in our large cities natural and spontaneous group amuse-

[94] George W. Kirchwey: *Survey Graphic,* March, 1926. Page 597.

ments and recreations have become a thing of the past. The art of providing one's own amusement and amusement for the group with which the individual is allied has given way almost entirely to the practice of seeking commercialized recreation. In children, the group instincts of play are strong. With the adult, however, we must endeavor to have a larger and larger group see the wisdom and value of wholesome amusements and attempt to supply them by community action. As part of the social plan and by the force of public opinion we should endeavor also to develop in commercial amusements that spirit of wholesome entertainment which they too frequently lack.

The danger of amusements of questionable character, however, is not so much in their direct contact with the adult who is properly equipped to withstand their influences—though here, too, harm is done—but because of the effect upon children and youths of the community who are as yet at a formative and impressionable stage. Somehow, the indecent and degrading things of life have a discouraging manner of filtering through our population until they reach those whom they may do the most harm.

The work of recreational planning for children can best be accomplished by a state children's bureau created for the purpose, which may function independently or as an arm of a larger state department whose business it should be to foster in every community in the state a vital interest and participation in programs for the development of health, play, and work activities for children.

*Prevention Through Law*

Our laws and our courts have not kept pace with advanced knowledge of behavior and conduct. The fault is more inertia than ignorance. If we brought into the law and its administration all that we know of the social sciences we could go far toward the prevention of crime. Professor Ellwood of Missouri says in his book, "The Social Problem":

> If we applied even our present available knowledge we could soon have a very much better human world. The trouble is that we have not yet become seriously interested in the social problem. We have been so interested in the conquest of nature and in individual achievement that the problems of human relationships have not greatly concerned us. . . . If we could take as seriously the solution of the social problem as the conquest of nature, wonders might be accomplished even in a single generation.[95]

With a new perspective on crime and criminals we should thoroughly overhaul our present legal system and bring to its administration a social and scientific procedure and an organization of institutions and forces which would prepare the way for an enlightened understanding and treatment of delinquency and its ultimate reduction.

Our children's courts should be strengthened, wider powers conferred, if necessary, and plans of cooperation adopted, which would go far toward bringing the children's court into closer association with the home, the clinic, and the school. With the highest type of personnel, adequate resources, and modern equipment, it may eventually attain that often sought but rarely found understanding of the human child. Its probation work, moreover, might be intensely studied, and more and better equipment might be provided which would give this indispensable arm of the court new vigor and would make its efforts more certain of success. Of the probation work of children's courts, Van Waters writes: "It should be remembered that intelligent probation service is restricted to a small proportion of juvenile courts. It has not been applied to the majority.[96]

The protection by law of children from exploitation in industry and from participation in occupations which are deleterious, both from the moral and the physical standpoint is an important duty of the community.

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[95] Professor Charles A. Ellwood: *The Social Problem.* Page 221.
[96] Miriam Van Waters: *Youth in Conflict.* Page 263.

There might be brought about also a broader application of the Wayward Minor Law and a wider promulgation of it, so that its existence and benefits might be generally known throughout the community. The effect of being able to bring young semi-delinquents under supervision for admonition, guidance, or correction with the power of the law behind the procedure, is a most salutary one upon that group of youths between *16* and *21* years whose idleness, bad associates, and evil habits are bringing them to the brink of crime.

Housing laws, sanitary laws, and the statutes regulating amusements all relate to matters which are of paramount importance to the State, and should continue to receive earnest, scholarly consideration. As has been frequently indicated, congested living conditions, unsanitary tenements, and unsupervised places of amusement have a direct or indirect bearing on delinquency. Is it not logical, then, that we should concern ourselves with these problems and endeavor through social and legal action to better, as far as possible, the material factors in the environment of the individual who, under their influence, may become delinquent? Should the individual embark upon a career of crime, we deal with him by laws that punish, and then, sometimes for the first time apparently, he becomes an object of concern to the state. The humanity, the economy, and the social wisdom of concerning ourselves with the individual before he becomes a menace to life and property are manifest.

*Social Forces and Social Training*

The State and its forces exist for the individual, and not the individual for the State. The home, the playground, the neighborhood, schools, courts, business, and politics exist to advance the interests of the community and the individual. Their efficacy must be measured by the influence which they exert upon childhood and youth in the determination of socially useful conduct. When these institutions fail to contribute to the social development of the individual, it should

be a communal responsibility to modify or reorganize their activities.

Individual and social betterment has not kept pace with material progress. The economic forces of life should not be an end in themselves. They exist for society and its members. Economic pressure should always be upward and never downward in its effect. It is the imperative duty of every community to aid in stamping out poverty, providing assurance against unemployment, establishing vocational guidance, and industrial training for children, to the end that each citizen may have a larger opportunity for economic security and increased happiness.

In the social advance against crime, it will be necessary to incorporate as part of our educational system, provisions for training social workers. Such a plan would provide not only more competent workers, who are sorely needed, but it would bring about also a more enlightened community understanding of the problems and opportunities of social work. More schools of social work also should be established, and greater use should be made of those now in existence. Someone has well said that "no community can afford to blunder along with makeshift social workers, any more than they can employ street sweepers to build bridges on which their lives depend."

*The Opportunity of the Church*

Some time ago in Washington, the President of the United States addressed one hundred thousand men of the Holy Name Society from all over the country. The keynote of his speech was taken from the purpose of the society to which the men he was addressing belonged, and this keynote was "The Necessity of Reverence." The President said:

> The importance of the lesson which this society was formed to teach would be hard to over-estimate. Its main purpose is to impress upon the people the necessity for reverence. This is the beginning of a proper conception of ourselves, of our relationship to each other, and

> our relationship to our Creator. Human nature cannot develop very far without it. The mind does not unfold, the creative faculty does not mature, the spirit does not expand save under the influence of reverence. It is the chief motive of obedience. It is only by a correct attitude of mind begun early in youth and carried through to maturity that these desired results are likely to be secured. It is along the path of reverence and obedience that the race has reached the goal of freedom, of self-government, of a higher morality, and a more abundant spiritual life.[97]

The highest executive of this country is right. Strip life and life's multiple activities of reverence, and it becomes a sordid thing.

In the course of an investigation of about 3,000 delinquents, the Catholic Charities Probation Bureau found that 68 per cent. of the offenders examined had fallen away from religious observances. They had not adhered to the tenets of their faith; instead they had succumbed to their environment and to evil suggestions. Religious belief and varying degrees of fidelity to the teachings of the Church were found in only about one-third of the delinquents examined.

While undoubtedly considerable numbers among the law-abiding element throughout the country are indifferent to religion, it may be seriously questioned whether the percentage of irreligion is as great in the law-abiding as it is in the delinquent group. The potential delinquent needs the saving grace of religion, the inspiring leadership of the clergy, and the sense of belonging to the parish and the Church and of personal responsibility to God more than he needs anything else.

The reason that many who are seriously in need of the ministrations of the Church are so completely estranged from Her may be found in the chromatic complexity of our present day mode of living. All about us manifold and material interests are competing with the Church for popular attention.

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[97] *The Catholic Charities Review*, November, 1924. Page 312.

The demands of an industrialized civilization plus the "lust, sensualism and jazz" of commercialized recreations, seductively refined, and narcotizing the senses, are as opiates to spiritual life.

Every hour of our lives, abroad and in our homes, we come upon the ramifications of a commercialized hedonism. The Church, decrying the new anti-religious forces in the community, and developing offensives against such attacks, finds cause for concern in the numerous and much exploited sensations for jaded tastes. To those who have strayed from the portals of the Church, the lures of vice in the guise of pleasure sometimes draw them so far from orderly habits that they overstep the bounds of law and decency before they awaken to the situation.

The Church, which more than any other agent, elevates character, must be more aggressive in dealing with social evils. The fundamental art of producing a social attitude of mind, a religious feeling-tone toward life and its problems can be created only through the Church. The Church must attack the great causes of sin in addition to individual sin. The Church has always realized Her problem and is making valiant efforts to meet it, but She must be even more widespread in Her activities, more extensive and more intensive, and, in all of Her contacts, be ever the Church crusading.

Religion, social service, and economic reform are joining hands today. Religion must continue to an even greater extent to express itself in social service, which is but a new name for the spiritual and corporal works of mercy. Social service without religion is arid. Unless religion is a part of it, social service will have little power to reinvigorate wills and make character in the march against crime. We must have social service and religion united ever more closely if we are to progress unceasingly toward our goal.

There must be a more generous support of the Church, and greater manifestations of the spirit of helpfulness, and cordial

interest among the parishioners. Most of all the Church must be more intimately a part of the daily life of the community. The Catholic Charities of the Archdiocese of New York well exemplifies what may be accomplished through the medium of social action. Through their divers social activities, organizations such as this enable the Church to come into close relationship with Her children who are in need of Her help in gaining spiritual and social adjustment. With increased resources and organization, and under the competent direction of the intelligent and sympathetic clergy, character may be strengthened, proper social attitudes cultivated, and ideals inculcated which will carry the individual along to the attainment of high objectives in life.

With family welfare divisions, children's divisions, divisions of social action, educational, recreational, and other sources of well-being, social and spiritual, the Church will continue the constructive work for the correction of evils developing within the family group or the neighborhood for which She did so much in the past. The Church must be even more aggressively active than the attention-arresting commercial and industrial interests of the community in order to continue to meet Her responsibility, not alone of caring for those who come to Her, but of coming to those who need Her ministrations.

It is by extending and intensifying secular activities of this description that the Church will render Her power even more positive and more far-reaching. In short, the Church, to fulfill Her mission in the present social order, must be to an even greater extent the Church dynamic. The difficulties to be encountered in directing Her activities to the solution of problems presented by new social situations are not insurmountable, and must be overcome. As Lewis says, "Religion was never more essential than today as a means to prevent the development of the criminal." [98]

[98] Burdette G. Lewis: *The Offender.* Page 257.

*Conclusion*

The problem of crime prevention, as we have seen, is one which demands the serious attention of the best minds and devoted workers of the community. Criminologists, sociologists, social workers, psychiatrists, psychologists, clinicians, and probation officers must continue to increase the scope and raise the standard of their activities.

Science and its discoveries, both in the fields of mental and physical life, must be brought out of the text books and the laboratories and the realms of research and popularized. Knowledge is the property of all the people, and those who are possessed of it must see it as their duty to bring the benefits of their wisdom to those who are in need of it.

From earliest childhood until adolescence, and even during the pre-natal life, there should be woven about the individual a net-work of helpful and constructive influences. Science, the school, the home, the social organizations, the law, and the Church must find in the problem of crime prevention a serious challenge. All too frequently, the blame for a delinquent career rests not on the individual as much as on society which permitted the development of delinquent tendencies. When we *learn to look forward with the child instead of backward with the adult* criminal, we will have made great strides in the prevention of crime.

*Summation*

An attempt has been made to lay down certain broad principles for the prevention of crime in general, as well as for the development in the child of socially desirable behavior patterns, or the elements of a stable character. These practical conclusions may be summarized as follows:

1. An enlightened public opinion must be developed in order to accelerate the scientific study of human behavior.
2. More foundations that will be concerned primarily

with the study of the criminal and criminality are an urgent need.

3. We should undertake the task of learning the processes of the growth and functioning of human character.

4. Any workable rationale of crime prevention must have as its salient feature adaptability to the needs of the individual.

5. More organized and supervised recreation, individualized education, and, in a sense, a constructive environment must be provided for those who are to be restrained from delinquent careers.

6. It is essential that we discover the individual in his true psychological and sociological aspects, and for this a popularization and amplification of our facilities for examining, mentally, physically, and socially, semi-delinquents and non-delinquents are necessary.

7. Social agencies doing preventive work must be increased and expanded and have more trained workers and more resources for the task.

8. To a greater extent than has heretofore been possible, we should concern ourselves with the pre-natal life of our future citizens.

9. Instruction for mothers on matters relating to infant care should embrace many more groups than at present if children are to receive the most intelligent nurture possible.

10. Children who show delinquent trends and unusual personality traits should be given skilled oversight and training from an early age.

11. Periodic examinations for all pre-school children should be a definite part of a community program.

12. On the basis of diagnosis and classification of the child, he should be given a course of study adapted to his individual needs upon entrance to school, and classifications should be subject to modification and revision, according to the growth and progress of the child.

13. More visiting teachers are a vital need of the day. School department bureaus, in charge of social workers, for the treatment of truancy, misconduct and behavior maladjustments developing in school life should be instituted.

14. Delinquency should be regarded as just one part of the whole problem of the child, and there should be

a larger cooperation between the constructive forces that come into contact with youth.

15. Provisions should be made for the improvement and organized development of the recreational facilities of the community.

16. A state children's bureau should be created for the purpose of fostering active community interest and participation in the development of health, play, and work programs for children.

17. Laws and courts should be socialized and brought into accord with the modern scientific knowledge of behavior and conduct.

18. Increased protection and opportunity in industry for youth is a problem for aggressive community action.

19. We should have a broader application and a wider promulgation of the Wayward Minor Law.

20. Housing and sanitary laws, the statutes regulating amusements and ordinances involving the welfare of citizens should be strengthened.

21. The socialization of fundamental institutions, the control of economic conditions and increased provisions for the training of social workers, are necessary auxiliaries in the warfare against crime.

22. The Church must render Her influence even more positive and far-reaching by extension and intensification of secular activities and modifications made in the light of modern needs.

Healy and Bronner, in their latest published work, enumerate as elements in a program for treating and preventing delinquency the following points with which we are in substantial agreement:

I. *Awareness of the Facts*

Arrangements for the gathering of complete data regarding arrests, convictions, and disposition of cases of all individuals accused either of crime or delinquency, together with the acquiring of information respecting the success or failure of the methods of treatment employed in an endeavor to reform these individuals for the protection of society, should be made. To procure such data, they point out the especial need for a fed-

eral bureau of identification and registration of facts because of the inter-state activity of criminals. Only by the gathering of this information will the deeper facts that are necessary for a basis of better success in the treatment of criminals, be ascertained.

II. *Research*

Thoroughgoing studies, calculated to develop other and more successful ways of influencing individuals to adhere to the norms of social conduct, must be made.

III. *Development of Professional Literature*

There is required "the progressive growth of sound, open-minded, scientific, technical literature dealing with the many classes of facts concerning delinquency and crime, particularly as these are directly related to practical treatment and its results."

IV. *Education of Personnel*

Judges, as well as all others who are called upon to make decisions regarding offenders, should familiarize themselves with the psychology of conduct in order to understand the delinquent's needs, and the possibilities of altering his conduct trends for the protection of society.

V. *Study of the Individual Case*

Because the variations in the makeup of the individual offender are so great in detail and in combination, it is essential that every problem be given intensive individual diagnosis and study. It is necessary that experts competent to disclose causes by evaluating physical, mental, and social facts which enter into the delinquency situation, be engaged.

VI. *Better Administration of Treatment*

The real effect on the offenders, and consequently upon society, of institutional confinement, of the practices of crimi-

nal lawyers and many other matters as parts of treatment should be considered. Punishment should be so planned as to be constructive in its effect. For persons released from institutions there is required a well developed parole system.

Treatment must combat sources and conditions which originate or foster wrong-doing. There must be agencies definitely engaged in the work of prevention, including especially the police.

Treatment must be based on consideration of the entire situation in which the delinquent or near-delinquent is found. The plan of treatment should be formulated and decided upon by a commission of experts including representatives of correctional institutions, probation and parole departments, each of these to pass along information concerning the needs of the case to those who will have charge of treatment.

There should be more years of control of juvenile offenders. There are advantages in raising the age of jurisdiction of the juvenile court and in placing a family relations court under the same jurisdiction. It will often be discovered that the family wherein so frequently are imbedded the roots of delinquency must be the unitary object of rational approach.

VII. *Building up Resources of Treatment*

Resources include organizations and social agencies for taking up various tasks of readjustment. Of the former, the churches and schools are most important, so that it is necessary that they interest themselves more definitely in the problem of offsetting and curing tendencies to delinquency.

There is a need in institutions for experts who have understanding and skill to modify human lives.

Effective probation and parole require a trained staff adequate to develop constructive work for the offenders in their charge.

Building up resources for prevention demands organizations whose function it should be to look after the sources of contamination and conditions that are stimuli to bad conduct.

There must be built up a more effective police service. It is important to lessen the chance for successful commission of crime.

VIII. *Coordination*

The need for active cooperation between "the police, agencies for scientific study of the individual, upper and lower courts, probation officers, the public prosecutor's office, institutional personnel, parole boards and otherwise," should be stressed.

IX. *Education of Public Attitudes*

The desirability of an altered, indeed a revolutionized public attitude toward crime is pointed out. It is shown that "society should be specially concerned with the influence of newspaper presentations of criminal matters. The story of the crime, the almost invariable practice of dealing merely with the details of the immediate offense, and with the transactions of the police and of the lawyers in the courts, must either be modified or offset by life stories of criminals, of the disagreeable aspects, the deprivations and dissatisfactions of their lives, and of what lies back of their careers."

These two writers sum up the situation with great force as follows:

> With our knowledge of much that can be modified in external conditions and in mental life, the future seems to have great possibilities. We may rationally believe that if a reasonable part of the enthusiasm, energy, and funds devoted to other forms of civic and social improvement, or if a tithe of the present-day genius and ingenuity that is displayed in invention, or that is at the service of banal entertainment, were applied to a constructive program for the prevention of delinquency and crime, we might have just as large returns as in these other fields.[99]

[99] William Healy and Augusta F. Bronner: *Delinquents and Criminals.* Page 223.

# CHAPTER XVIII

# PROBATION RESEARCH

In the probation field there has not been the time, the money, nor the opportunity to develop research workers who would study and evaluate the results of probation treatment, and make studies of the adjustments probationers have made to community life from five to ten years after their discharge from probation. Such studies are an outstanding need in the probation field at the present time. They would be of invaluable aid in pointing out the mistakes that have been made in probation treatment, and would give a basis for the formulation of improved methods and standards of work.[100]

[100] *Report New York State Probation Commission.* 1925. Page 20.

## CHAPTER XVIII

## PROBATION RESEARCH

That social work, as Thomas Eliot has observed, "is a field so rapidly changing that time creates errors faster than it can correct them"[101] is a truism which should challenge probation to plumb more deeply into its methods, testing them for errors in application and efficacy in results. Constantly it must seek new solutions to the ever-changing problems presented by the delinquent, avoiding mere palliations and the adoption of make-shift methods begotten of momentary expediency and without permanent value.

From its legal inception in Massachusetts forty-eight years ago until a comparatively recent date, probation has been so preoccupied with its own growth and extension, and with the vindication of its rightful claims upon the public for greater interest and support, that it has rarely paused for a retrospect of its accomplishments, and with its recorded experiences as a barometer, to prognosticate the lines of its future progress and expansion. The hour has now come, however, when already hailed as "a practical synthesis of science and sympathy" and the most notable contribution to correctional work within the present century, probation must view itself in perspective, interpreting its findings in terms of improved methods and increased service to the community.

To the end that this probation advance may be carried out upon a scientific plan, intensive research, study and analysis of the various phases of probation are essential. Among

[101] Thomas D. Eliot: *The Juvenile Court and the Community.* Page viii.

the conditions and elements which should be examined, the following may be enumerated.

I. Improvement of public attitude toward probation
II. Relationship with the court
III. Appointment of staff
    A. Adequacy
    B. Standard qualifications for personnel
        1. Age
        2. Education
        3. Personality
        4. Character
        5. Training
    C. Proper remuneration
        1. Minimum salary
        2. Comparison with social workers in other fields
        3. Increases in salary
IV. Administration and organization
    A. Staff
        1. Names and number
        2. Sex
        3. Duties—specific enumeration and description
        4. Order of responsibility
        5. How are promotions determined
        6. Hours of work
        7. Volunteer or paid,—relative number
        8. Whole or part time service
        9. Supervision and direction
        10. Officers' daily disposition of time
    B. Rules and regulations
        1. Written or verbal

C. Clerical staff
   1. Personnel
   2. Duties

D. Office equipment
   1. Typewriters
   2. Files
   3. Library
   4. Modern mechanical aids

E. Volume of work
   1. Number of cases for investigation
   2. Percentage and number on probation
   3. Case load of officers
   4. Territory covered

F. Statistics
   1. Uniform standard of information
   2. Objects of statistical compilation

V. Division of staff
   A. Investigation
   B. Supervision
   C. Special service

VI. Preliminary investigations
   A. Results of presentence investigations
   B. Court attendance by probation officers
   C. Reports to court—how submitted—confidential or public
   D. Standard plan
   E. Social service exchange
   F. Clinical examination
   G. Criminal history

VII. Limitations on the use of adult probation
   A. Offenders
   B. Offenses

C. Defectives—drug addicts
D. Discretion of courts vs. legislative limitations

VIII. Supervision

A. How are court instructions given officer
B. Are conditions of probation specified
C. Instructions to probationers
D. Probation period
    1. Minimum period
    2. How is period determined
E. Assignment of cases
    1. District
    2. Race or religion
    3. Problem
    4. Personality
    5. Girls and women to women officers
F. Case analysis
    1. Plan
    2. Check-up of plan
    3. Revision of plan
G. Reporting
    1. How often are probationers required to report
    2. Where do probationers report
    3. Under what conditions are reports made
H. Home visits
    1. Is there personal, intimate study and help
    2. How often are home visits required
    3. How often are home visits made
    4. Length of time of each visit
    5. Who are seen
I. Consideration of special requirements
    1. Are interpreters used
    2. Racial differences considered

J. Case work

1. Education
    a. Observation of compulsory education law
    b. Follow up of continuation school attendance
    c. Knowledge and use of trade schools
2. Health
    a. Mental and physical examinations
    b. Interpretation of findings of psychiatrists
    c. Are recommendations followed up
3. Is family rehabilitation undertaken
    a. By supervision officer
    b. In cooperation with other agencies
4. Employment
    a. Is there an industrial survey
    b. Job analysis
    c. Vocational guidance
    d. Placement of probationers
    e. By special worker
5. Recreation
    a. Plan for spare time activities
    b. Survey of recreational facilities
6. Spiritual development
    a. Are religious observances encouraged
    b. Is cooperation effected with church authorities
7. Thrift
    a. Is economic situation inquired into
    b. Is budget of income and expenses made
    c. Are savings emphasized

8. Long look ahead
    a. Is the probation officer content with palliatives, or
    b. Does he look for permanent restoration of his client
9. Case supervision
    a. Is there supervision of case work
    b. If so, how is it maintained

IX. Cooperation with social agencies

A. Community survey of social resources
B. Maintenance of cooperation with other agencies

X. Conferences

A. Staff
B. General and difficult case conferences
C. With other agencies
D. Attendance at national and state conferences
E. Esprit de corps—how developed

XI. Probationers leaving jurisdiction of court

A. Procedure
B. Transfers to other jurisdictions

XII. Violation of probation

A. Summons, warrants and arrests, absconders
B. Revocation of probation, commitment, continuation or discharge

XIII. Discharge from probation

A. Personal appearance and review by court
B. Probation courts

XIV. Publicity

A. Annual reports
B. Special reports
C. Press

XV. Forms and records

- A. Character, adequacy, and modernity
- B. Registrar
- C. Record plan
- D. Docket entries, court records
- E. Cashier and bookkeeper
  - 1. Payments
  - 2. Receipts
  - 3. Accounts

XVI. Publication of studies

- A. Diagnosis
- B. Adjustment

XVII. Results

- A. Standards for rehabilitation
- B. Studies to test results
- C. Post-probation supervision

XVIII. Rural districts

- A. Facilities for diagnosis
- B. Resources for treatment
- C. Is probation work combined with other types of social work

XIX. State supervision

- A. Is there state supervision of probation
- B. If so, how maintained
- C. What is its value to the court
- D. What is its value to the probation officer

*Inadequacy of Case Material*

That case histories are generally inadequate, is known. No more serious indictment is written of the failure of many probation workers to keep accurate and complete social records than that contained in the report of a study of juvenile courts of the Children's Bureau of the United States Depart-

ment of Labor. "It was usually impossible," the report states, "to determine from reading them even the frequency with which the probation officer had been in touch with the child."

After research and study, probation officers should determine the content and the plan of organization of case history material and then see to it that this standard is maintained.

*Records and Statistics*

Comparatively little has been done as yet by probation officers in presenting to the public intelligible and accurate statements of their work. Many probation officers do not get out annual reports. Others merely compile a statistical résumé of the volume of their work—which examination frequently shows to have little or no statistical value.

There are several reasons for this situation. In the first place, probation is new, its methods experimental, and the records of the probation officers have been irregular, incomplete and not uniform. Moreover, most probation officers have been overburdened with work, and statistics and records have been either neglected or held non-essential. Again, such reports as have been published have not been compiled by trained persons, and therefore, have been faulty and inadequate, especially for comparisons.

Flexner and Baldwin write:

> The chief value of statistics, however well compiled and clearly set out, is as a basis for an intelligent text discussion and analysis. It requires a long and careful study of any extensive group of statistics to interpret correctly their significance to the community. Statistics are only a means to an end, and their proper interpretation is a more exacting task than their compilation. Too often we find statistics complete in themselves, but almost valueless because they are not properly interpreted.[102]

[102] Bernard Flexner & Roger N. Baldwin: *Juvenile Courts and Probation.* Page 188.

The National Probation Association, since the appointment of a special committee on records and statistics in 1923, has assigned itself to the task of preparing suitable record forms. Conformity with the best usages of social investigation and case work is unquestionably bringing about considerable gradual improvement in this, as in other phases of probation work. More study and research is needed.

*Case Analysis*

What Ferri designates as "The degree of criminal saturation of the community," [103] can be ascertained and evaluated through analyses of good case records. Through comparison with non-delinquent groups in the community, the basis for evaluation of recurrent factors as contributory causes in delinquency may also be obtained.

*Maps*

The sources of delinquency can be studied by indicating with colored pins on maps the districts of the city from which offenders come. By this means is provided a basis for comparing the sources of delinquency and neglect year by year, as an indication of what factors are contributing to the increase or reduction of crime.

Maps which show the nature and location of the various social resources of the community, readily reveal the sections of the city which lack adequate facilities for prevention and treatment of delinquency. Probation officers should record by this means the crime centres of their territory and available cooperating agencies.

*Value of Deeper Studies*

The social value of averting human waste and preventing crime is obvious. The saving to society from the prevention of delinquency would be immense. The prime motive for research into causation is the establishment of laws of predicta-

[103] Enrico Ferri: *Criminal Sociology.*

bility upon which all sorts of treatment can be rationally planned.

A better approach and understanding of the individual are general needs. Testing, improving, and making more accurate the diagnostic methods employed by probation officers are essential if wise plans of treatment are to be evolved for the permanent adjustment of the delinquent. There is hope in the growing recognition that even when all the objective facts about the delinquent's life are revealed, his real personality and the inner motives of his behavior are often still enveloped in a veil of mystery. Constant study is imperative.

*Paucity of Studies of Delinquents*

Until recently the annals of criminology have offered little in the way of case studies of delinquents to meet the requirements of developing social science. Dr. Healy's case studies of juvenile delinquents have blazed the trail. The recently published case material suggests much worthwhile data which can be reached by the earnest worker. The efforts of the next few years can go far toward supplying the inadequacy that now exists if probation workers recognize and endeavor to remedy the lack.[104]

Studies of causation and interpretation of personality should not be ends in themselves. Principally, they should provide the basis for efficacious treatment. The correctness of the diagnosis and analysis can often be determined only by end results. For this reason, the continued emphasis of research must be upon the after-careers of offenders, whose social and criminal history, and mental and physical condition had earlier been subjects of investigation.

*Recidivism and Probation Research*

Healy and Bronner[105] found in their studies of large groups of juvenile offenders, after a period of years, that 50% of a

[104] William Healy. *Judge Baker Foundation Case Studies.* Series No. 1.

[105] William Healy and Augusta F. Bronner: *Delinquents and Criminals.* Macmillan, 1926.

group of Chicago juvenile delinquents and 21% of a group of Boston juvenile delinquents had become adult delinquents, many so classified having committed serious offenses and living as liabilities on the community.

The study of the factors and conditions involved in recidivism would facilitate good measures of treatment, to head off impending careers of delinquency. The opportunities afforded by a study of probation records for increased knowledge of the problems of crime causation, prevention, and treatment, no less than for the improvement of probation methodology, should serve as an impetus to research work which so practical a sociologist as Mary E. Richmond,[106] has defined as a "by-product of successful case work which should bear faithful witness to the need of social reform."

Dr. Van Waters'[107] questionnaire in regard to probation staffs, practices and working conditions, which received responses from 168 courts, is a notable contribution to the knowledge of probation conditions throughout the country representing as it does, conditions in a large number of states.

*Probation of Mental Defectives*

Social workers generally have long since outgrown the theory of ten years ago that all feeble-minded individuals should be segregated for the safeguarding of society. In probation practice, however, the standard frequently adhered to is that of not placing mental defectives on probation. A hard-and-fast policy in a matter which requires individual diagnosis is regrettable. The social agencies and institutions throughout the country which have experimented with the paroling of the feeble-minded into the community, report a large degree of success, and it may be generally accepted that feeble-minded individuals in whom habits of delinquency have

[106] Mary E. Richmond: *Social Diagnosis.*
[107] Miriam Van Waters: *Proceedings National Probation Association,* 1924. Page 202.

not become deeply grooved may under adequate supervision, live safely and productively in the community.

A study of the results of experiments in placing feeble-minded delinquents on probation under intensive supervision would be illuminating.

*Survey in Wisconsin*

The most exhaustive among the surveys so far undertaken to determine the success of probation in achieving a permanent reclamation of the delinquent is the survey of probation in Wisconsin made in 1925, by the National Probation Association, the Society of the American Social Hygiene Association, the University of Wisconsin, and the State Board of Control of Wisconsin. Because of its scope, the methods employed, and the richness of its returns both in material for critical study and practical recommendations for the improvement and future development of probation, it might well serve as a model for inquiries into the activities and results of probation.

*Conclusion*

The importance of social research in delinquency is thus succinctly stated by Healy and Bronner in "Delinquents and Criminals:"

> No forward-looking project of human engineering can be carried on without research, any more than can other forms of engineering or industry. This entails thoroughgoing studies into the indications for and the deeper meanings of various forms of treatment as they are given by society to different varieties of human material, and as related to different types of causes. And perhaps above everything we need carefully conducted and well-followed attempts by the experimental method to develop other and more successful ways of influencing human individuals to adhere to the forms of social conduct. So far indeed very little resource and ingenuity has been exercised in meeting

the various kinds of problems that delinquency presents.[108]

Clearly there is need for intensive study of its methodology and results, if probation is to be a dynamic force in the understanding and adjustment of a carefully selected group of delinquents and if its advance is to be attended by constructive achievement, increased service to the individual and wider social usefulness to the community. Complacency should be alien to its spirit. As Dr. Van Waters observes, "There should never come a time when a social worker points with pride and says, 'See what I have built?' Even as he speaks walls are crumbling and decay sets in." [109]

[108] William Healy and Augusta F. Bronner: *Delinquents and Criminals.* Judge Baker Foundation Publication No. 3, the Macmillan Co., 1926. Page 202.

[109] Miriam Van Waters: *Youth in Conflict.* Page 280.

# CHAPTER XIX

# THE FUTURE OF PROBATION

It is in many respects very grateful soil that has been opened up for cultivation by the introduction of the probation system. As a rule, it is a question of treating the pick of the great army of wrong-doers, concerning whose rescue the very best hopes may be entertained. The work of rescuing them is carried on not within the narrow walls of an institution with its more limited possibilities, but in the full flow of life, with all those possibilities that offer for anyone who wills to break their way once more to a respectable calling. The conflict against criminality will thus be transferred to another and wider plane than previously. From being a question that, strictly speaking, simply affected a narrow group of officials, it has now developed to a question that concerns almost every individual in the community. The contest against criminality tends more and more to become the business of the entire community, a great social question, for the due solution of which we need the assistance of every good and available power.[110]

[110] Report of Norwegian Government: *Probation in Norway.*

## CHAPTER XIX

## THE FUTURE OF PROBATION

The one outstanding development in the correctional field during the past twenty-five years is the probation system. Yet probation has no panacea to offer for the solution of the crime problem. Its cause and cure are individual. But to the crime problem probation brings the study and treatment of the individual delinquent, for this is the cornerstone of the system.

Contrary to the expressed fears of those opposing the enactment of probation laws, practical experience has proven that the theory of probation is a sound one and that a well-organized and efficient probation department, equipped to make social investigations before sentence is imposed and to give intensive supervision to individuals released by the courts on probation, is now an essential part of any well-equipped children's, domestic relations, or criminal court. The rapidity of the extension of probation service throughout the country in the past years is proof that it fills a fundamental need, that in both principle and organization it has struck deep roots which will mean permanent and continuous growth.

Historically, the first object of probation was to spare children (and equally so adults) from the stigma and other disadvantages and evils of incarceration. It was a humane substitute for imprisonment. As probation developed, however, a second aim came to be to gather information concerning the subsequent conduct of those conditionally released by the court, to the end that, in case of relapses, the law might be vindicated. The main duty of the probation officer was to

keep posted about the behavior of those under his care. Recently, however, the emphasis has come to rest more and more upon its educative, reformative possibilities; no longer a mere substitute for something else, and not content with simply securing information, its chief purpose is now generally recognized as being to effect improvement in character and conduct, to achieve, if possible, permanent reformation and rehabilitation. Probation seeks definitely and positively to do constructive work, to mould and improve the individual's habits, to stimulate his ambition and self control, to aid him in practical ways.

When probation comes into its own and a sufficient number of probation officers is employed, the system of individual assignment on the basis of personality will be extensively used. It cannot be expected that one probation officer will, or can, make the same appeal to every one of the persons placed under his care. Once it is accepted that probation is essentially an educational process and that the personality of the probation officer plays the major part in this process, a real step forward will have been made.

When probation is properly evaluated, its value to all the members of the community will not be based upon terms of its economy, the amount of money collected from non-supporting husbands, or for fines paid in instalments, or the number of jobs found. There will be only one standard for successful probation work, and that will be: Was the probation treatment given effective in changing the attitude or the point of view of the probationer, and does he look at life in a different way?

Burt writes:

> Already, the outworn maxim of traditional justice that the punishment should fit the crime, though set to memorable music in an optimistic key, is now giving place to the sounder principle that the treatment must fit the delinquent. Probation should be employed with a larger freedom, and at the same time with finer discrimination;

it should include, for each separate case, not merely passive surveillance, but active and constructive efforts.[111]

To this should be added that while probation is a valuable institution, it is not in all cases, even of juvenile offenders, a proper substitute for commitment. To fail to place the offender under a vigorous corrective discipline, when such course is clearly indicated by the circumstances of the offense and the previous character and the present disposition of the offender, is an evil only less serious than to imprison the offender when the circumstances would justify his release upon probation.

*Strengthening the System*

In the history of probation, probation officers have often failed to administer it in a way that would produce good results. This poor social practice has resulted from a lack of qualifications in the probation officers, from the overload on each of them or from the lack of proper supervision. Says Mr. Chute, Secretary of the National Probation Association:

> Criticism of probation work as poorly administered or undermanned is frequently merited. As all adult probation work in this country, outside of Massachusetts, has been initiated within the past twenty-five years, most of it even more recently, it is necessarily imperfectly developed, misunderstood and too frequently lacks adequate support. There is not a probation office in the country, with two or three conspicuous exceptions, which has enough probation officers to give the careful attention to cases under supervision which they need. All courts need the services of both men and women probation officers. Their work should be carefully supervised, and they should have quarters provided for them where they can interview their charges quietly and in private. The most important work of probation officers is in the field, visiting the homes of their charges; hence, they should have adequate clerical assistance.[112]

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[111] Cyril Burt: *The Young Delinquent.*. Page 586.
[112] Charles L. Chute: *Bulletin of the National Society of Penal Information,* December, 1923. Page 11.

Certain tentative principles have emerged out of twenty-five years' experience with probation and, as Gillin observes, if probation is to be socially useful in the treatment of the delinquent, attention must be given to the results of experience. He summarizes the necessary principles of probation as follows:

1. Good probation work must be based on thorough investigation.
2. Investigation and treatment must be individualized.
3. The term of probation should not be fixed in advance.
4. The home and neighborhood must be used to rehabilitate those on probation, especially juvenile offenders.
5. Both diagnosis and treatment must take account of physical and mental conditions.
6. Special social organizations and groups may profitably be used supplementary to the regular probation officers, in certain cases.
7. A definite plan should be formulated for the client and adapted to his needs, as experience with him shows necessary.
8. The program should include cooperation with all the agencies of the community which can help.
9. Probation officers should be trained.
10. Probation officers must be well paid.
11. Supervision of the offender should not be lax nor yet too close.
12. Each case must be handled by what is known as case work methods.
13. Probation should be extended to rural communities.
14. State supervision is necessary for effective work.[113]

The first great task of probation is to make sure that the work which is being done is being done adequately. Methods of work should be constantly analyzed and checked up. Results of probation efforts should be tested currently. The great driving human motive behind probation should not be permitted to degenerate into mawkish sentimentality, and emo-

[113] John Lewis Gillin: *Criminology and Penology.* Page 831.

tional fervor should not be allowed to become a makeshift substitute for concrete results. Sympathy without science means sentimentality and futility. Science without sympathy, on the other hand, is cold and blind in dealing with human beings. The tree is judged by the fruit it bears. Probation will be judged by the lasting and constructive impressions it leaves upon the characters of the persons with whom it deals. Probation, therefore, must be continually on its guard against mechanical methods and superficial effort. Sincere and skillful workmanship must be its constant ideal.

*Need of Methodology*

A real amount of research has been done and is still being carried on by scientists, physicians, educators, and social workers in an attempt to obtain a profounder realization of the mechanisms and dynamics of human nature and behavior and to discover the best methods of dealing with them constructively. We need but mention the contributions of such scientists as Furfey, Moore, Cooper, Galloway, McDougall, Watson, Healy, Allport, Gault, Glueck, Burt, Van Waters, and others who are grappling with the subtle and intricate problems of the human personality.

Essentially, the problem of probation is that of accurately diagnosing human nature and attempting to reconstruct crippled personalities, impaired character, and distorted behavior and conduct.

An unusual opportunity confronts probation at the present time. An immediate obligation entailed thereby is that of assembling, studying, and reorganizing the accumulated knowledge of social science into a well-defined, comprehensive probation methodology. Probation, like medicine and psychiatry, requires a specialized technique of its own.

The exact technique for the modification of habits of thought and conduct has yet to be stated. Probably the practice of skillful probation officers in isolated instances is far ahead of formulated theories of diagnostic and treatment method-

ology, but little of their procedure has found its way into the records, reports, or conferences of probation officers. Sutherland refers to the substitution of such statements as the following for discussions of technique: "'By gaining the confidence and friendship of the young man,' 'through friendly admonition and encouragement,' 'by stimulating the probationer's self-respect, ambition and thrift.'" He comments further, "It is necessary to know just how ambition is stimulated, or just how confidence is secured."[114] In the studies of methods of supervising persons on probation that have been undertaken, more consideration has been given to the machinery or the externals of probation than to the technical processes thereof.

Probation officers must realize that the bases of the technical processes through which changes in attitude in the individual are brought about are in the understanding by the probation officer of the influence of the probationers *social contacts* upon his outlook and behavior. The importance of the family, the play groups, and the neighborhood upon the probationer's life is so great that unless their attitudes are law-abiding and their influence constructive, it is futile for the probation officer to attempt to develop new standards and ideals for the probationer without modifying his environment. The importance of religious belief and much more so of religious practices cannot be over-estimated.

Probation officers must recognize also, that the technique of reformation consists mainly in substituting or enlarging the group relations of the probationer, either by removing him from an unfortunate environment, or through cooperation with the school, the Church, and the upbuilding recreational resources of the community, and bringing these groups into a position of greater prominence in the probationer's life. Constructive influences also must be brought to bear on the probationer's family, if his social adjustment is not to be followed by relapses.

[114] Edwin H. Sutherland: *Criminology*. Page 576.

In some ways, the problems of probation are more intricate and more baffling and its tasks more difficult than those of the other sciences dealing with human conduct. Since probation touches human life at all points,—health, family, education, religion, recreation, and work,—the right adjustment of the individual to these many points of contact and the reshaping of the human character and personality are difficult problems. Consequently, there is a real necessity for a well-defined and comprehensive methodology, and a general agreement upon it.

The mind and heart of every probation worker in the country should be consecrated to the task of enlarging his vision and of improving the processes whereby the most effective results can be obtained.

To do this they must have an adequate conception of the potentialities of probation. They must also attempt to work out ideals and plans in a practical manner, to crystallize their experiences into an effective methodology, to put into operation adequate administrative control in the probation systems of the city, county, state, and federal courts. All phases and relationships of the social problem must be considered, all factors and institutions must be taken into consideration.

In the development of the probation service the personality and effectiveness of the probation officer are paramount. The probation officer is the representative of the great, conserving institution of society. It is he who has the direct contact with the probationer and represents to him the spirit and the authority of the law. As a piece of logical ingenuity, the administrative system may be the best obtainable, but unless the probation officer is well trained, capable, and sympathetic in his relationship to his charges, all else is as sounding brass. This powerful and almost universal impulse of magnanimity towards those who err must be organized so as to obtain definite and permanent results.

When leaders in probation work have succeeded in transforming the social treatment of delinquency into a profession,

when the prestige and compensation of such a profession approximate the other professions already well established, then there will be attracted to its service more individuals of marked ability and enthusiasm who can compare with the present personnel of the professions of medicine, teaching, and the arts. The spirit of this adventure should be that expressed by the character in the historical drama: "Nothing worthwhile is ever accomplished in this world except by people who are willing to consecrate all, to die if necessary, to bring it about."

Whether probation attains the dignity of a recognized profession or passes into social obscurity rests, therefore, in the hands of the probation officers. Dr. Van Waters states:

> The probation officer is dealing with forces and materials as any other scientist or artist deals with them. Only these human forces are difficult to discover because they are so commonplace, so abundant, so deceptively simple that it takes unusual insight and imagination to realize them, just as it takes rare human ability to discover the beauty of personality, or to gather scientific data from the everyday stream of life. The probation officer has the twofold task of discovering human forces and of directing them in the conquest of delinquency. No profession today is more searching or more glorious, for the probation officer is translating the knowledge of experts in human life, the physicians, psychologists, psychiatrists, into action. He is working with the sensitive bodies and minds of individuals. He is the courteous and comprehending friend to whom all may be told without offense and from whom may be expected complete understanding and the wisdom and strength of ideal parenthood.[115]

"Probation officers," she concludes:

> should have the requisite education, training and experience. There is no excuse for their not knowing the elements of biology, psychology, sociology, and the facts of mental hygiene. They should be social physicians and their attitude should be that of the social worker, he

[115] *Proceedings, National Probation Association,* 1923. Page 156.

who builds up social relationships. They should have respect for the worth, the dignity, and the integrity of human personality. They should use *knowledge*, not *force*, in the solution of their problems. They should believe in miracles, those daily miracles of the reconstruction of broken human lives.[116]

*Probation—A Factor in Social Upbuilding*

Probation officers should not forget their relationship to the larger fields of social work. Probation is only one factor in the great leavening processes which social work in all its phases has effected in this country. Probation does not differ essentially in its aims and functions from any of the other great divisions of social work. The probation system, in common with all the other social organizations, is dealing constructively with the same kind of material, namely, human beings. If probation officers will only keep this larger point of view constantly in mind, they will be able to maintain a sane and scientific outlook; they will not become obsessed with an exaggerated sense of their importance; they will not attempt to do alone what only can be accomplished by the active and wholehearted cooperation of all the constructive forces of the community. Keeping the magnitude and the significance of their tasks constantly before them will stimulate their ambition and arouse in them allegiance and loyalty, which will impel them to labor more diligently and more thoughtfully, and which will inevitably lead to the accomplishment of larger and more permanent results.

Social workers and probation officers should remember always that they are the torch bearers of that truth which Dean Pound has called "the most important change of the century,—the transference of the sense of value from property to humanity." [117]

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[116] *Proceedings, National Probation Association.* 1923. Page 164.
[117] Roscoe Pound, Dean of Harvard University Law School.

# APPENDIX A

# BIBLIOGRAPHY

Of all human ambitions an open mind eagerly expectant of new discoveries and ready to remold convictions in the light of added knowledge and dispelled ignorances and misapprehensions, is the noblest, the rarest and the most difficult to achieve.[118]

[118] James Harvey Robinson: *The Humanizing of Knowledge.*

# APPENDIX A

## BIBLIOGRAPHY

The following bibliography is intended as a list of readings for the probation worker, and for all who have a serious interest in the correlated problems of criminology, penology and probation. Although it embraces over six hundred books and pamphlets, no pretense is made as to completeness. The inclusion of any publication does not connote agreement with the principles and theories expressed therein. In fact, the works listed contain many viewpoints which conflict with one another, and also with the principles underlying and the conclusions arrived at by the Catholic Charities Probation Bureau. Rather, the aim in its compilation has been to provide progressive probation workers with an index to the constantly increasing literature on crime prevention and treatment and to afford the research worker a bibliographic preparation for further inquiry and study.

As no intelligent consideration of delinquency and its cure is complete without a scientific understanding of the individual from the psychiatric, psycho-social and ethical viewpoints, particular effort has been made to include the more essential works on psychiatry, psychology, and sociology. So rapid, however, has been the development of these sciences and so numerous the contributions to their literature that helpful comprehensive bibliographies of those sciences are available. To these the earnest seeker of knowledge on the varied aspects of human behavior is referred.

For purposes of ready reference, titles in this bibliography have been classified under three headings; namely, 1. *Criminology and Delinquency*, 2. *Penology and Probation*, 3. *Psy-*

*chiatry, Psychology, and Sociology.* A further division has been made between books, pamphlets, articles in magazines, proceedings and reports.

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# APPENDIX B

# RULES AND REGULATIONS

We recognize that no set of rules can be followed in every probation case; each delinquent under investigation or on probation has his individual characteristics and circumstances that make it necessary for the probation officer to use wide discretion in adapting his methods to the particular needs. No two cases call for exactly the same treatment. On the other hand the manner of carrying on probation work must depend in part upon local conditions and the opportunities and limitations of the officer. There can be no cut and dried rules and it is therefore unsafe for one to dogmatize about probation. Nevertheless, experience with probation during the last decade, not only in New York State but elsewhere, has taught many valuable lessons and established some fundamental principles, which are now very generally recognized.[119]

[119] Charles L. Chute—Secretary, National Probation Association.

## APPENDIX B

## RULES AND REGULATIONS

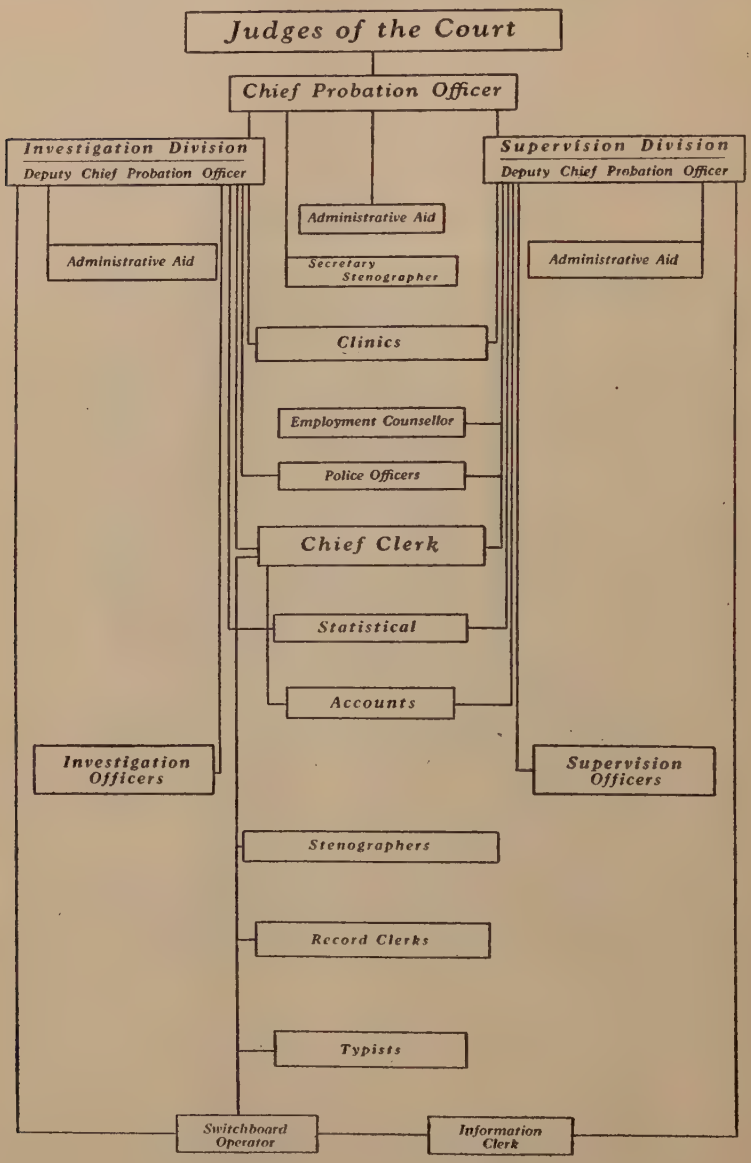
At the request of the Judges of the Court of General Sessions, the *Catholic Charities Probation Bureau* prepared the following Rules and Regulations for the government of the probation service of the Court of General Sessions of New York City after January 1st, 1927, when the work will be publicly supported and under the Civil Service System.

The Rules attempt to indicate in a broad way the proper organization of the probation system, and to set forth the guiding lines for its effective development. No set of rules can indicate in detail the diagnostic procedure that should be followed and the processes of adjustment that should be introduced into the case work with each probationer. These matters are discussed in detail in the report herein, including standards for general procedure.

The adoption of rules to govern the work of probation staffs has been found to be a valuable aid to efficiency and has proven a practical necessity in large courts where many probation officers are employed.

The following Rules were, on December 28th, 1926, unanimously adopted by the Judges of the Court of General Sessions who are in complete sympathy with their provisions. Their adoption augurs well for the future of the system.

# Chart of Organization



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### RULE I

CHIEF PROBATION OFFICER

The Chief Probation Officer, subject to the direction of the Judges of the Court of General Sessions, shall be the administrative head of the Probation Department.

He shall direct, supervise, and shall be generally responsible for the proper performance of the work of the Department. To this end, he shall make all assignments to duty of the Deputy Chief Probation Officers, Probation Officers, and all other employees of the Department, and shall prescribe definitely their duties and assign them to such services as in his discretion the welfare of the Probation Department may require.

The Chief Probation Officer shall install, and shall be responsible for, a system of records and files and shall devise and adopt for the use of the Department such forms and records as may be required. He shall oversee all financial transactions of the Department and shall cause to be kept a record of the work performed and the time spent by the Probation Officers in the performance of their duties.

He shall determine the hours of duty and vacation schedules of the various employees of the Department and shall regulate all absences from duty.

He shall keep informed concerning the service and conduct of his employees. He shall hear and investigate all complaints against employees of the Department and shall report in writing to the Judges of the Court of General Sessions any negligence, incompetency, or misconduct on the part of any such employees.

He shall hold conferences with the Deputy Chief Probation Officers, and the Probation Officers, and other employees of the Department when necessary, and shall promote uniform and effective probation work throughout the Court.

He shall study the needs of the system and from time to time make such modifications as will tend to improve the service.

He shall sign all preliminary investigations, applications for Bench Warrants, petitions to leave the jurisdiction of the Court, for the discharge of probationers, or for a modification of the conditions of probation, which he shall present to the Court and shall see that such documents are certified to by the Deputy Chief Probation Officers.

With the Deputy Chief Probation Officers, he shall develop and maintain a system of cooperation between the Probation Department and other city departments, religious and charitable agencies, and kindred organizations and institutions.

He shall submit to the Judges of the Court of General Sessions, on or before the first day of August, a budget covering the needs of the Department for the ensuing year, including such recommendations as may be necessary for the good of the service.

He shall have charge of the official correspondence of the Department. He shall have statistics compiled and prepare an annual report and make such other reports as may be required by the Judges of the Court of General Sessions. He shall render to the State Probation Commission such statistical reports as may be required by law.

He shall maintain a reference library, containing the standard works of probation, and other books, and publications on kindred subjects for the use of the Probation Officers.

Whenever he is absent from the office for any substantial length of time, he shall designate a Deputy Chief Probation Officer or a Probation Officer to serve in his absence. In the absence of the Deputy Chief Probation Officers, the Chief Probation Officer shall designate a Probation Officer to act during such absence.

## RULE II

### DEPUTY CHIEF PROBATION OFFICERS

#### *A—General*

*Section 1*

The Deputy Chief Probation Officers shall assist the Chief Probation Officer in the general direction of all probation work. Subject to the direction of the Chief Probation Officer, they shall supervise the work and be responsible for the proper performance of duties of all Probation Officers and other employees assigned to their supervision.

The Deputies shall confer at least weekly with the Chief Probation Officer regarding their work.

*Section 2*

The Deputies shall submit monthly to the Chief Probation Officer a statement regarding the general progress of the work and the service of the various officers under their supervision.

Within one month after the close of the year, the Deputies shall submit to the Chief Probation Officer a statement embracing all phases of the work under their supervision, including the duties performed by the various officers, suggestions for the betterment of the service, and such other information as may tend to improve the work of the Probation Department.

The Deputies shall notify the Chief Probation Officer promptly in the event that officers are incapacitated by illness or other causes from the performance of their regular duties.

All applications for leaves of absence must be made in writing to the Chief Probation Officer and be approved by him.

*Section 3*

The Deputy Chief Probation Officers shall be held responsible for the appearance of Probation Officers and their clients in Court and for such records and reports as may be necessary for Court action.

*Section 4*

They shall require all the employees of the Probation Department under their supervision to properly perform the duties assigned to them and to observe the provisions of the Probation Laws and of these Rules.

They shall report in writing to the Chief Probation Officer concerning the negligence, incompetency, misconduct, or any unexcused absence on the part of any Probation Officer or any employee of the Probation Department.

*Section 5*

Subject to the direction of the Chief Probation Officer, the Deputies shall develop and maintain a system of cooperation between the Probation Officers and other Courts, City Departments, religious, charitable, and welfare agencies, hospitals, and employment bureaus, and other cooperative institutions, and shall endeavor at all times to improve the work of the Probation Department.

*Section 6*

They shall review carefully the reports of the various Probation Officers, and the statements of carfare expenses and supper moneys, and other expenditures, prior to their submission to the Chief Probation Officer.

*Section 7*

For the purpose of administration, the Probation Department of the Court of General Sessions shall be organized into two divisions—first, the Division of Investigation and secondly, the Division of Supervision.

*Section 8*

To the supervision of each of these divisions, the Chief Probation Officer shall assign a Deputy Chief Probation Officer, who shall be

responsible for the proper conduct of the work of all of the Officers and clerical employees assigned to that division of service.

*Section 9*

In addition to the foregoing, the Deputies shall perform such other duties as the Chief Probation Officer may hereafter prescribe.

*B—Division of Investigation*

*Section 1*

Subject to the direction of the Chief Probation Officer, the Deputy Chief Probation Officer in charge of the Division of Investigation shall be responsible for the work of this Division. He shall review all investigation reports, keep informed about the investigation work which is pending before the Court, and give proper direction and supervision to the Officers assigned to this service.

*Section 2*

The Deputy Chief Probation Officer shall hold himself available for consultation with his Officers with regard to difficult cases and problems and shall attest his signature to all preliminary investigations before their submission to the Court.

*Section 3*

He shall see to it that the standard plan of investigation prepared by the Chief Probation Officer shall be carried out in all cases by the Investigating Officers, and that every available source of information shall be sought out to obtain a proper study of the offender and the offense for submission to the Court.

In the diagnostic procedure, the complete study of the offender shall be in accord with the following plan:

1. Diagnosis of Environment (Environmental Factors).
   A. *Legal History:* Previous Court Record, Offense, Complainant.
   B. *Social History:* Personal History, Education and Early Life. Family and Neighborhood Conditions, Employment History, Recreation, Habits and Associates, Religious Observances and Training, Mitigating or Aggravating Circumstances of the Offense.
2. Diagnosis of Personality (Constitutional Factors).
   Heredity, Physical Condition, Mentality (Capacity, Traits, and Interests), Emotions, Sentiments and Beliefs, Character and Conduct, Manner and Appearance.
3. Summary of Diagnosis.
   Etiology of the Maladjustment, The Report to the Court.

*Section 4*

Subject to the direction of the Chief Probation Officer, he shall assign all cases for investigation, and shall maintain a calendar of work, and shall be personally responsible for the prompt submission of all investigation reports to the Court in Chambers, twenty-four hours in advance of the day of sentence. He shall require all Probation Officers to

submit their preliminary investigations to him at least two days before the date of sentence.

In so far as is practicable, the work of investigation shall be distributed equally among the Probation Officers.

*Section 5*

It shall be the duty of the Deputy Chief Probation Officer to assign all cases for investigation, whenever practicable, to Probation Officers of the same religious faith as that of the probationers.

*Section 6*

Whenever the appearance in Court of a Probation Officer is requested by the Judges of the Court of General Sessions, the Deputy Chief Probation Officer in charge of this Division shall accompany such Officer to the Court and be on hand in order to render all possible service to the Presiding Judge.

### *C—Division of Supervision*

*Section 1*

Subject to the direction of the Chief Probation Officer, the Deputy Chief Probation Officer in charge of the Division of Supervision shall be responsible for and supervise the case work of the Probation Department of the Court of General Sessions.

*Section 2*

It shall be the duty of the Deputy Chief Probation Officer to effectively maintain a standard plan of case work as laid down by the Chief Probation Officer, and it shall be his duty to see that the individual work of supervision shall be developed to a high level of effectiveness.

In the case work the following process of adjustment shall be carried out with each probationer:

1. Formulation of Plan of Adjustment

   Insight into Personality and Environment, Summary of Problems Presented, Creative Interpretation of the Facts, Formulation of Plan.

2. Acceptance of Plan by Probationer

   Gaining Confidence and Respect, Arousing Admiration, Realization of Problems and Motives by Probationer, Removal of Anti-Social Attitude, New Visions and Goals, Transference of Objectives, Trial and Error Permitted, Acceptance of Plan by Probationer.

3. Social Adjustment

   Development of Social Relationships, Family Adjustment, Neighborhood Improvement, Financial Independence (Right Job, Budgeting and Thrift), Constructive Recreation, Restoration of Social Status.

4. Personality Development

   Holding up Ideal of Self, Physical Rehabilitation, Discipline and Self-Control, Character Building, Emotional Adjustment, Academic and Vocational Education, New Resources and Outlets, Regaining Self Respect, Social Consciousness, Appearance and Manner, Religious Development, Long Look Ahead.

5. Tendencies to be Avoided

Subtle Antagonisms, Too Close Supervision, Impatience with Relapses, Objective Case Work.

*Section 3*

The Deputy Chief Probation Officer shall keep constantly informed about and familiar with the work of each Probation Officer on individual probation cases and shall hold himself available for consultation with his officers with regard to difficult cases and problems.

*Section 4*

By means of cooperation with the clinics of the city, he shall arrange for mental and physical examinations of all probationers and shall see to it that recommendations of the psychiatrists and psychologists are carried out by the Probation Officers.

*Section 5*

He shall be responsible for the proper maintenance of the case histories and records with regard to the supervision of all probationers and shall see that these records are kept in accordance with the standard plan laid down by the Chief Probation Officer.

It shall be his duty to review all active case histories at regular intervals and he shall enter thereon a notation of each such review. He shall review case analysis sheets at least monthly.

*Section 6*

It shall be the duty of the Deputy Chief Probation Officer to assign all cases for supervision as far as is practicable to Probation Officers of the same faith as that of the probationers.

*Section 7*

The Deputy Chief Probation Officer shall have investigations made promptly of all violations or alleged violations of the probationary conditions and in proper cases he shall recommend to the Chief Probation Officer that application be made to the Court for the issue of Bench Warrants.

*Section 8*

He shall make such field visitations to the probationers under his supervision as may be practicable and shall arrange and supervise the reporting of probationers in such a manner as will secure proper privacy and will minimize the mingling of probationers.

*Section 9*

The Deputy Chief Probation Officer shall require each Probation Officer at the end of each month to submit to him the passive case histories and the closed case cards, properly completed and filled out in accordance with the standard plan.

## RULE III

### PROBATION OFFICERS

*Section 1*

The Probation Officers shall observe all the provisions of the Probation Laws and of these Rules and shall obey all of the instructions and orders of the Chief Probation Officer and the Deputy Chief Probation Officers.

*Section 2*

The Probation Officers shall devote their entire time to the probation work of the Court and shall engage in no other business or profession, except with the expressed approval of the Chief Probation Officer.

*Section 3*

When any Probation Officer is incapacitated by illness or is otherwise unable to perform his duties, he shall promptly notify the Chief Probation Officer or the Deputy Chief Probation Officer of his Division.

*Section 4*

Each Probation Officer shall have an annual vacation of six weeks, subject to the arrangement and discretion of the Chief Probation Officer.

*Section 5*

Probation Officers shall respect the rights of defendants, probationers, and other persons with whom they come into contact and shall at all times treat them with due courtesy and consideration.

*Section 6*

No Probation Officer shall represent to any person that by virtue of his office, he possesses any powers or rights which he does not possess.

*Section 7*

No Probation Officer shall suggest or recommend an attorney or a bondsman to any defendant or any representative of any defendant.

*Section 8*

No Probation Officer shall attempt to proselytize or in any way interfere with the religious beliefs or practices of defendants or probationers.

*Section 9*

No Probation Officer shall use his position for political or partisan purposes.

*Section 10*

All Probation Officers in their work, shall follow the standard procedure which shall be outlined by the Chief Probation Officer for their guidance in investigation and supervision and shall use only

such forms and records as are supplied to them by the Chief Probation Officer.

*Section 11*

Probation Officers shall endeavor, so far as is practicable, to have all payments by probationers paid from their own earnings. If any Probation Officer learns that payments required of any probationer entail undue financial hardship upon him, or those dependent upon him, the Probation Officer shall forthwith report the facts to the Chief Probation Officer, and the Chief Probation Officer, in his discretion, may request the Judge to modify the Court order requiring the payment.

No Probation Officer shall assume the right to determine the amount or frequency of the payments to be made by probationers without the approval of the Deputy Chief Probation Officer or the Chief Probation Officer.

*Section 12*

Every Probation Officer shall carry an official shield furnished by the Chief Probation Officer. These shields will be the property of the City of New York and they shall be used only in connection with the official duties of the Court. They shall be surrendered to the Chief Probation Officer whenever the holder thereof shall cease to be a Probation Officer of the Court of General Sessions.

*Section 13*

Every Probation Officer when appointed shall take the constitutional oath of office and shall be given a copy of these rules.

## RULE IV

### PROBATION COURT AND DISCHARGES FROM PROBATION

*Section 1*

If it seems to be desirable to the Judges of the Court of General Sessions that Probation Courts shall be held for the review of the conduct of probationers at the termination of their probation periods, the Chief Probation Officer shall be responsible for the appearances at these sessions of the Deputy Chief Probation Officer, Probation Officers, and probationers.

*Section 2*

On such occasions, it shall be the duty of the Deputy Chief Probation Officer in charge of the Division of Supervision to present to the Court a complete case history of the conduct of the probationers from the time of their release on probtaion to the date of their appearance before the Probation Court, with proper recommendations as to their final disposition.

*Section 3*

So far as practicable, the discharges of probationers, and also the revocation of probation for violations of the probationary conditions, shall be by the Judge who placed the persons on probation.

*Section 4*

No person shall be discharged from probation without the order of the Court, and a summary of the case shall accompany all such applications.

## RULE V

### HOURS OF SERVICE

*Section 1*

The office of the Probation Department shall be in the Criminal Courts Building and shall be open daily from 9 a.m. to 5 p.m. except Sundays and legal holidays subject, however, to the discretion of the Chief Probation Officer.

*Section 2*

Probation Officers shall receive reports from probationers from 5 p.m. to 8 p.m. on such evenings and at such places as the Chief Probation Officer shall direct.

## RULE VI

### PRELIMINARY INVESTIGATIONS

*Section 1*

Each Probation Officer shall unless the Court otherwise directs, make a comprehensive investigation of each case assigned to him, in accordance with the standard plan of investigation prepared by the Chief Probation Officer.

The information obtained upon such investigations shall be fully and impartially recorded on blanks supplied by the Chief Probation Officer.

*Section 2*

Every available source of information shall be sought out in order to obtain a complete understanding of the offender and the offense, and to this end the Probation Officers are privileged to cable, telegraph, telephone, and to use special delivery means of communications when personal contact with informants cannot be effected.

*Section 3*

Each Probation Officer will be held responsible for the character and contents of his or her reports.

*Section 4*

All Probation Officers shall submit their preliminary investigations to the Deputy Chief Probation Officer at least two days before the date of sentence.

## RULE VII

### SUPERVISION AND AID OF PROBATIONERS

*Section 1*

When a case is assigned to an Officer for supervision he shall get in touch with the probationer as soon as possible, shall instruct him concerning the meaning of probation, and give him a written statement of the period and conditions of his probation. If the probationer has been ordered by the Court to pay money while on probation in the form of family support, restitution, or reparation, the Probation Officer shall instruct the probationer concerning these payments.

*Section 2*

Each Probation Officer, so far as practicable, shall visit the home of each probationer in his care at least twice a month and shall inquire at his place of employment once a month and shall further require each probationer to report to him at least weekly. The Probation Officer shall see that the reporting of probationers is carried on in such a manner as will secure proper privacy and will minimize the mingling of probationers.

*Section 3*

All Probation Officers are to aid and encourage probationers by friendly advice, admonition, personal service, cooperation with social agencies, mental and physical examinations and, on the basis of an understanding of each probationer's need and capacity, shall direct his enrollment in educational classes, give him constructive vocational guidance, seek to establish him in suitable employment, bring him into contact with religious, recreational, and thrift organizations, and use such other helpful methods as may seem advisable to bring about an improvement in his conduct and condition.

The family of the probationer shall be the unit of effort of the Probation Officer's work.

*Section 4*

In all cases each Probation Officer shall keep standard case histories of each of his probationers while on probation and shall make daily and weekly notations on the case history forms as to the plan of probation, the conduct and progress during probation, the work performed by the Probation Officer, and the final results achieved.

*Section 5*

All violations or alleged violations of probation shall be promptly investigated by the Probation Officer supervising the probationer. If the Probation Officer finds the violation to be serious, or if he has reason to believe that the probationer has absconded or otherwise disappeared without permission from probationary oversight or the jurisdiction of the Court, he shall forthwith report the facts to the Deputy Chief Probation Officer of his Division or to the Chief Probation Officer.

*Section 6*

Each Probation Officer shall notify the Deputy Chief Probation Officer two weeks before the probationary period of each probationer is to expire and shall arrange with the Deputy Chief Probation Officer about making a final report in the case to the Judge and having the probationer brought before the Court or Judge for discharge or other disposition.

*Section 7*

At the end of each month, the passive case histories and closed-case cards must be properly completed and filed with the Deputy Chief Probation Officer by each Probation Officer.

## RULE VIII

### PROBATIONERS LEAVING JURISDICTION

*Section 1*

No probationer, unless so authorized by the Court or Judge, shall be permitted to leave the jurisdiction of the Court for more than two weeks without written permission from the Chief Probation Officer, and the Chief Probation Officer shall grant such permission only when it seems consistent with the purpose of probation and important for the welfare of the probationer or for other valid reasons.

*Section 2*

The Chief Probation Officer shall preserve a record of all probationers permitted to leave the jurisdiction of the Court, and if they are to remain away for more than one month, he shall employ such means as may seem most practicable to maintain supervision over them while they are outside of such jurisdiction. So far as practicable, he shall request the cooperation of Probation Officers or social agencies in the jurisdiction to which such probationers remove.

## RULE IX

### SUMMONSES, WARRANTS, AND ARRESTS

*Section 1*

Application for warrants for violation of probation shall be made in writing on forms provided for that purpose and shall set forth the reasons for requesting the process.

All such warrants shall be signed by the Chief Probation Officer and certified to by the Deputy Chief Probation Officer in charge of the Division of Supervision. So far as practicable, warrants for the arrest of probationers shall be signed by the Judge who placed such persons on probation.

*Section 2*

All warrants issued in accordance with the foregoing section shall be delivered forthwith for execution to the Police Officers assigned to the Probation Department.

*Section 3*

The Deputy Chief Probation Officer in charge of the Division of Supervision shall endeavor to have all warrants served as early as possible and to locate all probationers for whom such a process has been issued and whose whereabouts are unknown. He shall keep a record of all such warrants, including the names of the police officers requested to serve them and check up on them at least monthly, until the probationer is apprehended.

*Section 4*

If the probationary period of any probationer for whom a warrant has been issued is about to expire before he has been brought before the Court or Judge, the Chief Probation Officer shall request the Court or Judge to extend the probationary period as provided in subdivision 4 of Section 11-a of the Code of Criminal Procedure.

No probationer for whom a warrant has been issued and who fails to appear before the Court or Judge, as required by such process, shall be discharged from probation within less than one year from the time of its issuance.

## RULE X

### RECORDS, SUPPLIES, AND EXPENSES

*Section 1*

All forms for use in the Probation Department shall be prepared by the Chief Probation Officer, and Probation Officers shall use only such forms as are supplied to them by the Chief Probation Officer.

*Section 2*

All reports and records made or kept by the Probation Officers are the private and confidential records of the Probation Department, and shall be guarded against inspection by persons not entitled to inspect them, and when not in use shall be kept locked in the files provided for such purpose.

*Section 3*

No records shall be removed from the Probation Offices, provided, however, that any Probation Officer may temporarily remove the records from the files whenever necessary for the performance of his duties.

*Section 4*

Probation Officers and other employees of the Probation Department shall prepare and render such reports as may be required by the Chief Probation Officer or the Deputy Chief Probation Officers.

*Section 5*

The Chief Probation Officer shall designate an employee of the Probation Department under the title of Registrar to have general charge of the indexing and filing of records. The Registrar shall be the custodian of the records of the Probation Department and shall be

held responsible for the proper compilation of monthly, yearly, and such other reports as the Chief Probation Officer may require.

*Section 6*

All records and reports of the Probation Department shall be typewritten.

*Section 7*

All equipment, supplies, printing and other necessary expenses for the Probation Department, shall be authorized by the Chief Probation Officer.

The Deputy Chief Probation Officers shall requisition the Chief Probation Officer for all necessary supplies.

*Section 8*

Each Probation Officer shall keep an itemized account of all expenses incurred in the performance of his official duties and, on the first day of each month, shall submit to the Deputy Chief Probation Officer bills, duly sworn to, for the preceding month's expenditures.

Such bills shall be inspected and approved by the Deputy Chief Probation Officers prior to their submission to the Chief Probation Officer.

*Section 9*

All Probation Officers shall keep a monthly time record of their services on forms supplied by the Chief Probation Officer, and these records shall be filed at the end of each month with the Deputy Chief Probation Officers for submission to the Chief Probation Officer.

The Deputy Chief Probation Officers shall maintain a daily time sheet for the registration of the hours of service of the Probation Officers and the clerical employees of their Divisions.

## RULE XI

### ABSENCES FROM DUTY

*Section 1*

The absence from duty of any employee of the Probation Department shall be reported promptly to the Chief Probation Officer by the Deputy Chief Probation Officers.

*Section 2*

Whenever employees of the Probation Department are incapacitated by illness or other causes from performing their official duties, they shall immediately notify the Chief Probation Officer or the Deputy Chief Probation Officers.

*Section 3*

Applications for leaves of absence of Probation Officers and clerical employees of the Probation Department shall be made in writing to the Chief Probation Officer.

## RULE XII

### RECEIPTS AND ACCOUNTS

*Section 1*

All payments of moneys, as ordered by the Judges of the Court for family support, restitution, or reparation, shall be paid to the Bookkeeper of the Probation Department and the Bookkeeper shall give the payee an official receipt for each payment.

All such moneys shall be deposited daily in a bank in the name of the Chief Probation Officer, as trustee.

A proper system of bookkeeping of all moneys received and disbursed by the Probation Department shall be maintained by the Bookkeeper, in accordance with the plans and records furnished by the Chief Probation Officer.

*Section 2*

So far as is practicable, no payment of monies shall be received by any Probation Officer or any other employee of the Probation Department except the Bookkeeper. All payments made to the Probation Officers or other employees of the Department shall be delivered to the Bookkeeper as soon as possible.

Whenever a payment is received through the mail, an official receipt shall be given or mailed to the probationer within twenty-four hours.

*Section 3*

The Bookkeeper shall submit monthly to the Chief Probation Officer a report of the monies received and disbursed, the condition of all accounts, and recommendations with regard to the work.

*Section 4*

The Bookkeeper shall furnish the Probation Officers weekly with information concerning the payments on various accounts in accordance with Court Orders.

The Bookkeeper of the Probation Department shall be held strictly responsible for the funds in his possession and shall be bonded by the City of New York in such amounts as the Chief Probation Officer shall prescribe.

*Section 5*

When a probationer is required to pay family support, restitution, or reparation, the Chief Probation Officer shall notify the beneficiary of the fact at once and of the amounts to be paid.

All disbursements of monies received shall be made as early as possible.

*Section 6*

Whenever a probationer is permitted to make his payments directly to the beneficiary, he shall be required, unless otherwise directed by the Chief Probation Officer, to receive receipts in duplicate from the beneficiary and to deliver to the Probation Officer one such receipt for each

such payment. The Probation Officer supervising such probationer shall endeavor to verify whether such payments have been made.

The Bookkeeper shall keep proper accounts of all such payments made by probationers directly to the beneficiary.

## RULE XIII

### PUBLICITY

*Section 1*

The Deputy Chief Probation Officers and the Probation Officers shall avoid improperly divulging any information concerning the official work of the Department which will tend to jeopardize the welfare of any defendant or probationer.

No Deputy Chief Probation Officer or Probation Officer except the Chief Probation Officer, shall give any information or make any statements to newspaper respresentatives concerning defendants or probationers or the probation work of the Department.

## RULE XIV

### GENERAL INSTRUCTIONS

*Section 1*

Failure on the part of any employee of the Probation Department to comply with these rules, or orders from the Judges of the Court, the Chief Probation Officer, or the Deputy Chief Probation Officers, or to perform his or her duties in an efficient and conscientious manner will militate against the record of any such employee.

*Section 2*

Violations of these rules, neglect of duty, incompetency, acts of insubordination or misconduct of any character on the part of any officer or employee of the Probation Department shall be promptly reported by the Deputy Chief Probation Officers to the Chief Probation Officer.

The Chief Probation Officer shall hear and investigate all complaints against any employee of the Probation Department, and if the facts shall warrant, he shall report in writing thereon to the Judges of the Court.

*Section 3*

All stenographers, typists, clerks, and other employees assigned to duty in the Probation Department shall perform such services as may be prescribed by the Chief Probation Officer, and they shall be governed by these Rules and Regulations and such other rules as may hereafter be adopted.

*Section 4*

The Chief Probation Officer shall be in charge of the official correspondence of the Probation Department. All communications of the employees of the Probation Department for the attention of the Judges

or from outside agencies or persons, relating to the administrative affairs of the Department, shall be directed to the Chief Probation Officer.

*Section 5*

So far as is practicable, the Probation Officers, when so directed by the Chief Probation Officer, shall assist the Probation Officers of other jurisdictions in the investigation and supervision of cases.

*Section 6*

All employees of the Probation Department shall perform such other duties as the Chief Probation Officer may deem necessary for the good of the service.

## RULE XV

### POLICE OFFICERS

*Section 1*

The Police Officers assigned to the Probation Department, by the Police Commissioner, shall perform such duties and carry on such work as the Chief Probation Officer may prescribe.

## RULE XVI

### MISCELLANEOUS

*Section 1*

Any persons who may hereafter be appointed as employees of the Probation Department, and whose duties are not prescribed by these Rules, shall have their duties outlined by the Chief Probation Officer, and they shall be binding upon them.

## RULE XVII

### AMENDMENTS

*Section 1*

Any of these rules may be temporarily suspended at any time by unanimous consent of the Judges of the Court or may be amended by a majority vote of the Judges.

# APPENDIX C

# CIVIL SERVICE EXAMINATION FOR PROBATION OFFICERS

The success or failure of the probation system depends fundamentally upon the wise and careful selection of probation officers. It is now generally recognized that the duties of probation officers can only be entrusted to persons qualified for the work by reason of their character, temperament, special training, ability and interest. Probation officers ought to be selected without regard to politics. Their appointment should be based solely upon their particular fitness for their work. The process of selecting probation officers is, therefore, a matter of primary importance. In the State of New York practical experience for approximately two decades has proven that individuals with the qualities essential in probation officers can be selected through the right kind of Civil Service examinations.[120]

[120] *Civil Service Examinations for Probation Officers.* N. Y. State Probation Commission, 1925. Page 3.

## APPENDIX C

## CIVIL SERVICE EXAMINATION FOR PROBATION OFFICERS

In New York State, Civil Service examinations for probation officers consist of two parts; a written examination and a rating on training, experience, and general qualifications. In connection with the rating on training, experience and general qualifications, an oral interview is usually required. As all Civil Service examinations must be practical in their character and relate to such matters as will fairly test the relative capacity and fitness of the person examined to discharge the duties of the position sought, the written examination given to candidates for the position of probation officer is made up of practical questions regarding the laws relating to probation work, the duties and functions of probation officers, and of questions pertaining to the technique of probation work. In the oral interview, the training, personality, experience, and education of the candidate are evaluated.

An examination was held on December 4, 1926, for the position of probation officer of the publicly salaried Bureau of the Court of General Sessions, which is to go into effect on January 1, 1927. Candidates were required to have at least one year of acceptable experience (whole time basis) in probation or parole work, or in case work with some social agency of good standing. The minimum age for applicants was twenty-three years. The written examination included questions on the work of probation officers, duties of the position, and case methods. Three points were allowed for the written examination, and seven for training, experience and general qualifications.

In the examination twelve questions were given. Candidates were required to answer problems 1 and 2, and eight of the following problems (3 to 12, inclusive). The questions are presented herewith.

1. Case: Anthony is an Italian boy of 19 who has been arrested and convicted of robbery second degree. He has a previous court and institutional record. Before sentence is imposed the judge requests you to make a preliminary investigation with recommendations. Assume any other details you desire but give in detail your report to the Court.

2. Case: Joseph Mack, a graduate of a grammar school is an intelligent, fine appearing Polish boy of seventeen. He has been convicted of robbery in the first degree, and has been placed on probation to you. His family consists of his parents and a brother 10 and a sister 12 years of age. The father is a laborer earning $30.00 per week. He drinks heavily and makes in the home the liquor he consumes. There is a suspicion that he is insane. The mother works as a cleaner four hours a day in Brooklyn, earning $11.00 a week. Joe has been in institutions for juveniles. His work record for the past two years is bad, but with the exception of smoking he has no bad habits and hates liquor. He is fond of athletics and the theatre and in fact has written three plays. Give your diagnosis of the needs of this boy and his family and your plan of probation treatment.

3. (a) What are the powers and duties of a probation officer as defined by law.

(b) Mention all the conditions that a court may legally impose in placing an offender on probation.

4. Define ten of the following terms and illustrate their use in a sentence.

(a) Prognosis
(b) Mental Conflict
(c) Habit Clinics
(d) Repression
(e) Diagnosis
(f) Psychiatrist
(g) Recidivist
(h) Psychopath
(i) Social Case Work
(j) Moron
(k) Maladjustment
(l) Dementia

5. (a) Give the titles and authors of five of the most important books on crime and delinquency published

within the past three years and which you think a probation officer should have read and be familiar with.

(b) Give either the title and authors of three recent books on psychology *or* the names of three magazines which deal with problems of delinquency *or* case work *or* general social work.

6. Outline a plan for a complete study including the personality factors, and environmental factors of an offender assigned to you for social investigation and for probation treatment.

7. (a) Give in detail your opinion of the efficacy of New York State's correctional and penal institutions in dealing with offenders.

(b) Give also your opinion of the adequacy of existing information concerning the prevalence of crime.

8. Give ten important accepted standards of probation.

9. (a) What steps would you take to secure and maintain the cooperation of social agencies in the diagnosis and treatment of delinquents in your probation work.

(b) With whom and how would you arrange for mental and physical examinations of deliquents before or after being placed on probation if there were no facilities for such examinations in the Court?

10. You have investigated the case of a first offender whose chronological age is 20 and you have been advised that his mental age is nine. What disposition would you recommend in your report to the Court? Give reasons in detail.

11. Enumerate at least seven points on which you would concentrate in case work with probationers, and give in detail the methods which you would employ, under each point, to change the habits and conduct of probationers.

12. (a) Explain whether or not mental defectiveness is a cause of crime.

(b) How is an "Intelligence Quotient" obtained and what does it signify?

# APPENDIX D

# NEWSPAPERS AND CRIME

Education in the obvious is often more necessary than the elucidation of the obscure.[121]

Publicity is not only necessary if social agencies are to carry forward their part in maintaining the morale of the people, but nothing can itself more directly contribute to this end than wise and continuous educational work, giving every one confidence that our necessary undertakings are going steadily forward.[122]

---

[121] Justice Oliver Wendell Holmes, United States Supreme Court.
[122] Roscoe C. Edlund: *Proceedings National Conference of Social Work,* 1918. Page 614.

## APPENDIX D

## NEWSPAPERS AND CRIME

The Mental Hygiene Bulletin of January, 1927, published the following editorial:

> The Joint Committee on Methods of Preventing Delinquency has called to our attention some statements recently made by Heywood Broun in his column in The New York World. Mr. Broun, in replying to a correspondent who complained of the "terrible power of the newspapers over human lives" particularly in forcing the passage of excessively stringent laws, agreed that silly laws are sometimes enacted in times of panic, but thinks that it is not so much the fault of the newspapers as of an uncritical community demanding some sort of action. He says:
>
> "Nothing of any importance is ever solved without patience, and this is the last quality which is ever found in any mob. Clearly the remedy against crime is to discover the deep-lying causes and eliminate them. This is no job to be accomplished in any single legislative session. In the meantime people will not wait. There must be gesture and action and some illusion of progress.
>
> "On the whole, I feel that newspapers have tended to improve the quality of public thinking. . . . The most eloquent article I've ever read on communal responsibility for crime was an editorial in The World which followed the conviction of Celia Cooney. Probably she is forgotten now, though once she strode the first page as 'The Bobbed-Haired Bandit.'
>
> "Newspaper criminology and newspaper sociology may be quite a bit below first rate, and yet the standard of the press remains several jumps ahead of the public. Papers should lead, but they can't do so successfully if they get too far out in advance of the marchers. In time there will be a community more intelligent in its treat-

ment of crime. In time there will be a public less clamorous for shoddy and immediate remedies. And in that same day newspapers will be much more intelligent than any which are published today."

The editorial in The World, to which Mr. Broun refers, follows:

"For some months now we have been vastly entertained by the bobbed-haired bandit. Knowing nothing about her, we created a perfect story standardized according to the rules laid down by the movies and the short-story magazines. The story had, as the press agents say, everything. It had a flapper and a bandit who baffled the police; it had sex and money, crime and mystery. And then yesterday we read in the probation officer's report the story of Cecilia Cooney's life. It was not in the least entertaining. For there in the place of the dashing bandit was a pitiable girl; instead of an amusing tale, a dark and mean tragedy; instead of a lovely adventure, a terrible accusation.

"In the twenty years she has lived in this city she has come at one time or another within reach of all the agencies of righteousness. Five years before she was born her father was summoned to court for drunkenness and neglect; the Charities Department recommended then that her older brothers and sisters be committed to an institution. That did not prevent her parents bringing, with the full consent of the law, three or four more children into the world. Cecilia herself, the youngest of eight, came at four years of age into the custody of the Children's Society. Six months later, on the recommendation of the Department of Public Charity, she was turned back to her mother, who promptly deserted her.

"She was next taken to Brooklyn by her aunt and for ten years or so attended parochial school. At the age of fourteen her mother brought her back to New York, took her to a furnished room, stole her clothes and deserted her. A year later, aged fifteen, Cecilia became a child-laborer in a brush factory in Brooklyn, and was associating at night with sailors picked up on the water-front. At sixteen Cecilia was back in New York, living with her mother, working as laundress for a few months at a stretch in various hospitals. At twenty she was married,

had borne a child, had committed a series of robberies, and is condemned to spend the rest of her youth in prison.

"This is what twentieth-century civilization in New York achieved in the case of Cecilia Cooney. Fully warned by the behavior of her parents long before her birth, the law allowed her parents to reproduce their kind. Fully warned when she was still an infant, society allowed her to drift out of its hands into a life of dirt, neglect, dark basements, begging, stealing, ignorance, poor little tawdry excitements and twisted romance. The courts had their chance and they missed it. Charity had its chance and missed it. Schools had their chance and missed it. The church had its chance and missed it. The absent-minded routine of all that is well-meaning and respectable did not deflect by an inch her inexorable progress from the basement where she was born to the jail where she will expiate her crimes and ours.

"For her crimes are on our heads too. No record could be clearer or more eloquent. None could leave less room for doubt that Cecilia Cooney is a product of this city, of its neglect and its carelessness, of its indifference and its undercurrents of misery. We recommend her story to the pulpits of New York, to the schoolmen of New York, to the lawmakers of New York, to the social workers of New York, to those who are tempted to boast of its wealth, its magnificence and its power."

# APPENDIX E

# PROBATION LAWS OF THE STATE OF NEW YORK

The probation officer is an officer of the law and of the court. It is not enough, however, for probation officers to understand and obey the letter of the law. The successful probation officer is more than an officer of the law; he is a social worker and establishes a relationship through the mind, the will, and the heart of his charge, which may be more binding than the law. Probation is fast becoming a profession with a growing fund of technical knowledge, which must be drawn upon by probation workers, if they expect to succeed.[123]

[123] *Eleventh Report, New York State Probation Commission,* 1917.

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# APPENDIX E

# PROBATION LAWS OF THE STATE OF NEW YORK

## Part I

*Code of Criminal Procedure*

**§ 11-a. Probation officer; appointment; powers; procedure; transfers.**

1. The magistrates of the courts having original jurisdiction of criminal actions in the state, may from time to time appoint a person or persons to perform the duties of probation officer or officers as hereinafter described, within the jurisdiction of the courts of such magistrates and under the direction of such magistrates, to hold such office during the pleasure of the magistrate or magistrates making such appointment and of their successors. Such probation officer or officers may be chosen from among the officers of a society for the prevention of cruelty to children or of any charitable or benevolent institution, society or association, now or hereafter duly incorporated under the laws of this state, or be reputable private citizens, male or female. The appointment of a probation officer must be made in writing and entered on the records of the court of the magistrate or magistrates making such appointment, and copies of the order of appointment must be delivered to the officer so appointed and filed with the state probation commission. Each probation officer who in the performance of his duties shall collect any moneys for fines, restitution, family support, or for the support or maintenance

of children, before entering upon the duties of his office, shall execute a bond pursuant to the provisions of section eleven of the public officers law of the State of New York, in the penal sum to be determined and fixed by the appointing officer or officers with sufficient sureties to be approved by the said appointing officer or officers conditioned for the honest and faithful performance of his duty and accounting for all moneys received by him as such probation officer. Within sixty days after this act becomes a law all probation officers in the state of New York, heretofore appointed and now acting as such, who in the performance of their duties collect any moneys for fines, restitution, family support, or for the support or maintenance of children, shall file a bond as provided herein. The accounts of the said probation officers shall be subject to audit at any time by the proper fiscal officers and an accounting and audit shall be made by such officers at such times and in the manner provided for by law. Any officer or member of the police force of any city or incorporated village who may be detailed to do duty in such courts, or any constable or peace officer, may be appointed as probation officer upon the order of any magistrate as herein provided. Whenever in a city of the first class members of the police force have been appointed probation officers as hereinabove provided and are serving as probation officers under the direction of a majority of the members of a board of city magistrates, the commissioner of police upon the request of any other magistrate of such board shall detail to such other magistrate a member of the police force who may be appointed by such magistrate as a probation officer. No probation officer appointed under the provisions of this section shall receive compensation for his services as such probation officer until allowed by proper ordinance or resolution, as hereinafter prescribed, but this shall not be construed to deprive any officer or member of the police force, or any constable or peace officer, appointed probation officer as herein provided, from receiving the salary or compensation attached to his said official employment. The

board of estimate and apportionment in the city of New York and the appropriate municipal board or body of any other city or village, or the board of supervisors of any county, may in their discretion determine whether probation officers not detailed from other branches of the public service shall receive a salary, and if they shall so determine, they may fix the amount thereof and provide for its payment, and they may also provide for the necessary expenses of probation officers. Whenever provision is made for the payment of a salary by the appropriate municipal board or body in any city or village to a probation officer who is to be attached to a court presided over by a magistrate sitting alone, the appointment of such probation officer shall be made by that magistrate. Whenever provision is made for the payment of a salary by the appropriate municipal board or body in any city or village to a probation officer who is to serve in a court wherein several magistrates are sitting together, or in rotation, or in a court or courts wherein there is a board of magistrates, the appointment of such probation officer shall be made by all the magistrates jointly, or by a majority thereof, except that when a probation officer is to serve in a division of a court in which there is a board of magistrates the appointment shall be made by all the magistrates of such board jointly, or by a majority thereof. Whenever provision is made for the payment of a salary to a probation officer by the board of supervisors of any county, such probation officer shall be appointed by the county judge, or if there be more than one county judge by the county judges jointly, of such county, and such county probation officer shall serve in the supreme and county courts of that county, their respective counties and in any other courts in the county at the request of the magistrates holding such other courts, except the courts of criminal jurisdiction of cities which were formerly of the first class. (*Subd.* 1, *amended by L.* 1904, *ch.* 508; *L.* 1905, *ch.* 656, *L.* 1908, *ch.* 99.)

2. Duties. Every probation officer, when so directed by the court, or by a magistrate of the court, in which he is serving,

shall inquire into the antecedents, character and circumstances of any person or persons accused within the jurisdiction of such court, and into the mitigating or aggravating circumstances of the offense of such person and shall report thereon in writing to such court or magistrate. The term "probationer" shall mean a person placed on probation. It shall be the duty of every probation officer to furnish to all persons placed on probation under his supervision a statement of the period and conditions of their probation, and to instruct them concerning the same; to keep informed concerning their conduct and condition; to aid and encourage them by friendly advice and admonition, and by such other measures, not inconsistent with the conditions imposed by the court or magistrate, as may seem most suitable, to bring about improvement in their conduct and condition; to report in writing at least monthly concerning their conduct and condition to the court having jurisdiction over such probationers, or to a magistrate thereof; to keep records of their work; to keep accurate and complete accounts of all moneys collected from probationers, to give receipts therefor and to make at least monthly returns thereof; to perform such other duties in connection with such probationers as the court or magistrate may direct; and to make such reports to the state probation commission as the commission may require. Any probation officer may act as parole officer for any state penal or reformatory institution when so requested by the authorities thereof, and when requested by the county judge, shall act as parole officer over persons released on parole under section nine hundred and ten.

3. Powers. Every probation officer may require such reports by probationers under his care as are reasonable or necessary, and not inconsistent with the conditions imposed by the court or magistrate. Every probation officer shall have, as to persons placed on probation under his care, the powers of a peace officer.

4. Methods of Procedure. When any court suspends sentence and places a defendant on probation as authorized by

law it shall determine the conditions and period of probation, which period of probation shall not exceed, in the case of children, their eighteenth birthday; in the case of any other defendant convicted of an offense less than a felony, two years; and in the case of any other defendant convicted of a felony, five years.

The conditions of probation shall be such as the court shall in its discretion prescribe, and may include among other conditions any or several of the following: That the probationer (a) shall indulge in no unlawful, disorderly, injurious or vicious habits; (b) shall avoid places or persons of disreputable or harmful character; (c) shall report to the probation officer as directed by the court or probation officer; (d) shall permit the probation officer to visit him in a reasonable manner at his place of abode or elsewhere; (e) shall answer any reasonable inquiries on the part of the probation officer concerning his conduct or condition; (f) shall, if a child of compulsory school age, attend school; (g) shall, if an adult, or if a child but not required to attend school, work faithfully at suitable employment; (h) shall remain or reside within a specified place or locality; (i) shall abstain for a reasonable period from the use of alcoholic beverages, if the use of the same contributed to his offense; (j) shall pay in one or several sums a fine imposed at the time of being placed on probation; (k) shall make reparation or restitution to the aggrieved parties for actual damages or losses caused by his offense; and (l) shall support his wife or children. The court or magistrate thereof may modify the conditions and the period of probation; may in case of violation of the probationary conditions, issue a warrant for the arrest of the probationer; and may at any time discharge the probationer; and in case of violation of the probationary conditions, the court may impose any penalties which it might have imposed before placing the defendant on probation, provided that, if committed, he be committed to an institution authorized by law to receive commitments for the offense of which he was originally convicted,

and of persons of his age at the time of his commitment. If a probationer without permission disappears from oversight, or departs from the jurisdiction of the court, the time during which he keeps his whereabouts hidden or remains away from the jurisdiction of the court may be added to the original period of probation.

5. Transfers. A court or magistrate may transfer a probationer from the supervision of one probation officer to that of another probation officer, and such transfer shall be reported by the court or magistrate to both of such probation officers and to the probationer, and a record of the transfer shall be filed with the records of the case. Whenever a probationer resides in a county other than the county in which he has been convicted and placed on probation, or whenever a probationer desires to remove to a county other than that in which he has been placed on probation, and it seems likely that such removal will promote his welfare and will not make him a menace or public charge to such other county, the court placing him on probation, or a magistrate thereof, may transfer him to a salaried probation officer of the city or county to which the probationer is to move, provided such probation officer sends the court or magistrate desiring to make such transfer, a written statement that he will exercise supervision over the probationer, and provided such statement is approved in writing by the magistrate of the court to which such probation officer is attached. Such probation officer shall report concerning the conduct and condition of such probationer to the court or magistrate making the transfer.

6. The judges of the court of general sessions in and for the city and county of New York, or a majority of them, may appoint a chief probation officer, two deputy chief probation officers, and as many additional probation officers, male or female, as the requirements of said court, in their judgment demand, and may fix the salary of each such appointee in the manner provided by law in relation to clerks and other attaches of said court. The court may adopt such rules, not in-

consistent with laws relating to probation, regulating the method of procedure in relation thereto, and governing the powers and duties of probation officers, as in their judgment they deem proper. The volunteer probation officers, now serving as such, in said court, and who have served therein for a period of five years, next preceding the taking effect of this section as amended by this act, shall be continued as such probation officers, subject to the approval of said court, and the state civil service commission, and may have their salaries fixed in the manner herein provided, and may be assigned, by said court, to the performance of any duty in the probation service of the court. (*Subd.* 6 *added by L.* 1925, *ch.* 672, *in effect April* 16, 1925. *Added by L.* 1901, *ch.* 372, *and amended by L.* 1903, *ch.* 613; *L.* 1909, *ch.* 482; *L.* 1910, *ch.* 610; *L.* 1924, *ch.* 606; *L.* 1925, *ch.* 672, *in effect April* 16, 1925.)

**References.**—Establishment of probation commission; powers and duties. State Boards and Commissions Law, §§ 30, 31. As to suspension of judgment or sentence, §§ 470-a, 470-b.

**Appointment and removal of probation officer.**—Question whether position of probation officer is in competitive class must be left to the determination of the Civil Service Commission. Matter of Simons v. McGuire (1912), 204 N. Y. 253, 97 N. E. 526. Magistrates have power to remove probation officers at pleasure. Rept. of Atty.-Gen. (1911), vol. 2, p. 253.

**Effect of failure to make appropriation for probation officers.**—When the board of estimate and apportionment, in making up the budget, did not include salaries for the full number of probation officers appointed, it is a determination that some of them shall not receive a salary, and it is then for the board of city magistrates to determine which of the officers shall receive the salaries appropriated. Peo. ex rel. Kelly v. Dooley (1915), 169 App. Div. 423, 153 N. Y. Supp. 326.

**Mandamus to compel preparation of pay-roll.**—The Special Term has no authority to compel, by mandamus, the acting chief city magistrate of the board of magistrates, City of New York, to prepare, certify and forward to the civil service commissioners a payroll allotting salaries to certain probation officers, or to compel the board of estimate and apportionment to readjust its budget so as to provide salaries for said officers. Peo. ex. rel. Kelly v. Dooley (1915), 169 App. Div. 423, 155 N. Y. Supp. 326.

**Extension of probationary period.**—The court or magistrate may extend the probationary period whenever the defendant has violated the conditions imposed upon him, but only to the extent of the maximum period for which he might have been originally placed upon probation. Rept. of Att. Gen. (1911 , vol. 2, p. 152. Compare Peo. ex rel. Stumpf v. Craig (1913), 79 Misc. 98, 140 N. Y. Supp. 652.

**The fact that the trial court in placing defendant on probation omitted to fix the period** for which such probation should continue, does not render invalid the sentence, since, in the absence of other limitation, it would be assumed that the probationary period should not continue for more than two years, the period fixed by the statute. Moreover, the omission would not render the judgment void, but the sentence would be subject to correction in this respect. Peo. ex rel. Valiant v. Patton (1917), 221 N. Y. 409.

**Arrest for violation of parole.**—Where in a police court relator, on his plea of guilty, was convicted of petit larceny and paroled to the probation officer for six months on a suspended sentence, his arrest, before the expiration of a six months' extension of such parole on a warrant issued by the court in which he was convicted, and upon an information by the probation officer that relator had violated his parole by neglecting to comply with the terms thereof, is illegal and relator is entitled to be discharged from custody on habeas corpus. Peo. ex rel. Stumpf v. Craig (1913), 79 Misc. 98, 140 N. Y. Supp. 652.

**Section 470-a,** post, was not repealed by the amendment (L. 1905, ch. 656) to this section. Peo. ex rel. Sullivan v. Flynn (1907), 55 Misc. 639, 106 N. Y. Supp. 925.

**Section cited.**—Matter of Benchin v. Kempner (1910), 69 Misc. 410, 127 N. Y. Supp. 614, aff'd, 143 App. Div. 125, 127 N. Y. Supp. 657; Peo. ex rel. Schindler v. Kaiser (1916), 95 Misc. 681, 159 N. Y. Supp. 322.

## § 470-a. Suspension of sentence; suspension of execution of judgment.

If, after a plea or verdict of guilty or after a verdict against the defendant upon a plea of former conviction or acquittal, sentence shall have been suspended, the court may impose any sentence or make any commitment which might have been imposed or made at the time of conviction. If sentence shall have been imposed and execution of the judgment suspended, the court may revoke the order suspending execution of judgment and order executed the judgment suspended or may modify the judgment so as to provide for the imposition of any punishment which might have been imposed at the time of conviction. The court may impose sentence or order judgment executed with or without modification as hereinabove provided at any time after such suspension of sentence or suspension of execution of judgment within the longest period for which the defendant might have been sentenced, or, if the defendant is on probation and the period of probation exceeds the period for which the defendant might have been

sentenced, at any time while the defendant remains on probation; but not after the expiration of such period or periods, unless the defendant shall have been convicted of another crime during such period. Provided, however, that the imprisonment directed by the judgment shall not be suspended or interrupted after such imprisonment shall have commenced. (*Added by L.* 1893, *ch.* 651; *amended by L.* 1918, *ch.* 467; *L.* 1920, *ch.* 476; *L.* 1925, *ch.* 276, *in effect Sept.* 1, 1925.)

**References.**—Indeterminate sentences, see Penal Law § 2189. Suspension of sentence by Courts of Special Sessions, Id. § 2188. Sentence of minors to imprisonment, Id. §§ 2185, 2186. Sentences of girls to New York State training school for girls, Id. § 2184. Sentence of female convict to imprisonment, Id. § 2187. Probation officer, appointment and duties, § 11-a, ante.

**This section was not repealed by implication** by that portion of chap. 656 of L. 1905 which amended section 11-a of this Code relating to probation officers. Peo. ex rel. Sullivan v. Flynn (1907), 55 Misc. 639, 106 N. Y. Supp. 925.

**Common Law.**—In Peo. ex rel. Forsyth v. Court of Sessions (1894), 141 N. Y. 288, 36 N. E. 386, 23 L. R. A. 856, O'Brien, J., said: "Without attempting to collate all the authorities on the subject, it is sufficient to say that the power to suspend sentence at common law is asserted by writers of acknowledged authority on criminal jurisprudence, by the uniform practice of the courts and numerous adjudged cases. 2 Hawk. P. C. ch. 51, § 8; 1 Bishop's Cr. Pro. § 1124; 4 Bl. Comm. ch. 31; Peo. v. Graves, 31 Hun. 382; Peo. v. Harrington, 15 Abb. N. C. 161, 3 N. Y. Cr. 139; Peo. v. Whipple, 9 Cow. 715; Carnal v. Peo., 1 Park. 262, 266; Comm. v. Dowdican, 115 Mass. 136; State v. Addy, 43 N. J. L. 114, 39 Am. Rep. 547; Weaver v. Peo., 33 Mich. 297; Peo. v. Reilly, 53 Mich. 260; Comm. v. Maloney, 145 Mass. 205; Sylvester v. State, 65 N. H. 193."

**Constitutionality.**—This and the next section (470-b) are not violative of the constitutional provision giving to the governor the power to grant reprieves and pardons. Peo. ex rel. Forsyth v. Court of Sessions (1894), 141 N. Y. 288, 36 N. E. 386, 23 L. R. A. 856.

**Where the defendant has been sentenced to a definite period** of imprisonment in a penitentiary, the court has no power subsequently to suspend the execution of that part of the judgment which provides for the imprisonment. Peo. v. Boehm (1917), 176 App. Div. 401, 163 N. Y. Supp. 22, aff'd., 226 N. Y. 705.

**The Court may impose a fine and suspend the prison sentence,** and the suspension may be revoked. Peo. ex rel. Decker v. Page (1925), 125 Misc. 538, 211 N. Y. Supp. 401.

**Appeal.**—Where sentence is suspended no appeal lies from a conviction. Peo. v. Markham (1906), 114 App. Div. 387, 99 N. Y. Supp. 1092, 20 N. Y. Cr. 278; Peo. v. Flaherty (1908), 126 App. Div. 65, 110 N. Y. Supp. 699, 22 N. Y. Cr. 372; Peo. v. Davis (1912), 152 App. Div. 884, 139 N. Y. Supp. 643, 28 N. Y. Cr. 421.

**Courts of Special Sessions have power** to suspend sentence indefinitely, or for a limited period, and to impose sentence at the expiration of such period. Peo. ex rel. Dunnigan v. Webster (1895), 14 Misc. 617, 36 N. Y. Supp. 745, 11 N. Y. Cr. 484, aff'd., 1 App. Div. 631, 37 N. Y. Supp. 1148.

**Section cited.**—Peo. ex rel. Cohen v. Rattigan (1915), 157 N. Y. Supp. 1003, aff'd., 172 App. Div. 957, 157 N. Y. Supp. 1140.

### § 470-b. Effect thereof.

If judgment be not pronounced as in the last section provided, nevertheless:

1. For the purpose of indictment and conviction of a second offense, the plea or verdict and suspension of sentence or suspension of execution of the whole or a part of the judgment after sentence shall be regarded as a conviction, and shall be pleaded according to the fact.

2. The said plea or verdict and suspension of sentence or suspension of execution of the whole or a part of the judgment after sentence may be proved in the manner provided by statute for proving a conviction for the purpose of affecting the weight of the defendant's testimony in any action or proceeding, civil or criminal.

(*Section added by L.* 1893, *ch.* 651; *amended by L.* 1918, *ch.* 467.)

**Section cited.**—Peo. v. Markham (1906), App. Div. 387, 99 N. Y. Supp. 1092, 20 N. Y. Cr. 278; Peo. ex rel. Cohen v. Rattigan (1915), 157 N. Y. Supp. 1003, aff'd., 172 App. Div. 957, 157 N. Y. Supp. 1140.

### § 483. Probation; fine; restitution; transfer from supreme to county court.

After a plea or verdict of guilty, in a case where a discretion is conferred upon the court as to the extent of the punishment, and where there appear to be circumstances in mitigation of the punishment the court shall have power, in its discretion, to place the defendant on probation in the manner following:

1. The court upon suspending sentence or suspending the execution of the judgment, may place such person on probation during such suspension under the charge and supervision of a probation officer, in accordance with the provisions of

section eleven-a of the code of criminal procedure. When practicable, any minor child, placed on probation, shall be placed with a probation officer of the same religious faith as that of the child's parents. The parents, guardian or custodian of such child, if the child has any, shall be summoned by the magistrate to attend any examination or trial of such child and to be present in court when the child is placed on probation and informed by the court of the action taken in such case. (*Subd.* 1 *amended by L.* 1925, *ch.* 276, *in effect Sept.* 1, 1925.)

2. If the judgment is to pay a fine and that the defendant be imprisoned until it is paid, the court upon imposing sentence may direct that the execution of the judgment of imprisonment be suspended for such period of time and on such terms and conditions as it shall determine, and may place such defendant on probation under the charge and supervision of a probation officer during such suspension, provided, however, that upon payment of the fine, judgment shall be satisfied and the probation cease. The court may, upon consent of the defendant and as one of the conditions of suspension of sentence, or suspension of the execution of judgment or of probation, require him, while under suspended sentence or suspension of the execution of judgment or on probation, to make restitution or reparation to the aggrieved parties in an amount to be fixed by the court, not to exceed the actual losses or damages caused by his offense; or the court may require the defendant, while under suspension of sentence or suspension of the execution of judgment or on probation, to support his children.

3. Whenever a defendant is placed on probation in the supreme court, the court or the justice thereof presiding at the time the defendant is placed on probation, or if the supreme court is not sitting and if such justice is not in the county, any other justice of the supreme court in that district, may, upon the consent of the defendant, enter an order transferring the probationer to the jurisdiction of the county court of the

county in which the conviction occurred. The powers and duties of the county court, the county judge and the probation officer under whose supervision the probationer is placed, shall, with respect to such probationer, thereafter be the same as though the probationer were originally placed on probation by such county court, under such probation officer. Whenever a probationer is transferred to the jurisdiction of a county court as hereinabove provided, the supreme court shall transfer to the county court the judgment-roll of the case, or a certified copy thereof.

4. At any tme during the probationary term of a person convicted and released on probation the court before which, or the justice before whom, the person so convicted was convicted, or his successor, or the court to which the person on probation is transferred as hereinabove provided may in its or his discretion, revoke and terminate such probation. Upon such revocation and termination, the court or justice may impose sentence or order judgment executed in accordance with the provisions of Section four hundred and seventy-a of the code of criminal procedure.

(*Section amended by L.* 1901, *ch.* 372; *L.* 1903, *chs.* 274, 613; *L.* 1905, *ch.* 656; *L.* 1909, *ch.* 217; *L.* 1910, *ch.* 346; *L.* 1918, *ch.* 443; *L.* 1925, *ch.* 276, *in effect Sept.* 1, 1925.)

**References.**—Probation officers, appointment and duties, see § 11a, ante; suspension of sentence, see Penal Law, § 2188; suspension of judgment, see § 470a, ante.

**Effect of common-law suspension** of execution of sentence. Peo. ex rel. Schindler v. Kaiser (1916), 95 Misc. 681, 159 N. Y. Supp. 322.

**Construction.**—The statutes dealing with the subject of probation, revocation of probation and infliction of punishment which has been suspended (Code Crim. Pro. § 11a and 483) must be read and construed together, and when in conflict section 11a must control. Peo. ex rel. Valiant v. Patton (1917), 221 N. Y. 409.

**Omission to fix the period of probation** will not invalidate a sentence but the statutory period of two years will be presumed applicable thereto and a correction may be made in that respect. Peo. ex rel. Valiant v. Patton (1917), 221 N. Y. 409.

**Distinction between suspension of sentence and relief from sentence imposed.**—Until judgment is pronounced the case is still sub judice and unless otherwise provided by law, the court has power to defer the imposition of the judgment, or in other words to suspend sen-

tence. But when once pronounced, in the absence of further judicial proceedings justifying a stay, the power of the court over the execution of the sentence is gone. Peo. ex rel. Hirschberg v. Seeger (1917), 179 App. Div. 792, 166 N. Y. Supp. 913, appeal dismissed, 223 N. Y. 659.

**The court possesses inherent power** to suspend sentence after conviction. Peo. ex rel. Forsyth v. Court of Special Sessions (1894), 141 N. Y. 288, 36 N. E. 386; Peo. v. Goodrich (1914), 149 N. Y. Supp. 406.

**Suspension of execution of judgment.**—Where the defendant has been sentenced to a definite period of imprisonment, the court has no power subsequently to suspend the execution of that part of the judgment which provides for the imprisonment. This section has no application. Peo. v. Boehm (1917), 176 App. Div. 401, 163 N. Y. Supp. 22, affd., 226 N. Y. 705.

**Subd. 2.**—The words "his offense" mean only the offense for which the defendant is on trial, and cannot be stretched to cover similar offenses committed by the defendant against the same party or various parties. Peo. v. Funk (1921), 117 Misc. 778.

### § 487. Commitment of the defendant.

If the judgment be imprisonment, or a fine and imprisonment until it is paid, the defendant must forthwith be committed to the custody of the proper officer, and by him detained, until the judgment be complied with. Where, however, the court has suspended sentence or where after imposing sentence, the court has suspended the execution thereof and placed the defendant on probation, as provided in section four hundred and eighty-three of the code of criminal procedure, the defendant must forthwith be placed under the care and supervision of the probation officer of the court committing him until the expiration of the period of probation and the compliance with the terms and conditions of the sentence or of the suspension thereof. Where, however, the probation has been terminated, as provided in paragraph four of section four hundred and eighty-three of the code of criminal procedure, and the suspension of sentence or of the execution revoked, and the judgment pronounced, the defendant must forthwith be committed to the custody of the proper officer and by him detained until the judgment be complied with. (*Amended by L.* 1901, *ch.* 372; *L.* 1903, *ch.* 613.)

**Derivation.**—R. S. pt. 4, ch. 2, tit. 6, § 12.

**Sentence must be definite; and one providing that defendant pay a specified fine or be imprisoned for a specified period cannot be imposed. Matter of Hoffman (1883), 1 N. Y. Cr. 484.**

**A sentence upon conviction of a fine of eighty-five dollars,** defendant to stand committed until same was paid, not exceeding eighty-five days, held not illegal in Peo. v. Chamberlain (1915), 92 Misc. 720, 157 N. Y. Supp. 535.

**The Supreme Court may suspend sentence during defendant's good behavior,** after passing it, and revoke such suspension at a later term and direct that it be executed. Peo. v. Goodrich (1914), 149 N. Y. Supp. 406.

**A prisoner is not detained** by virtue of the mittimus, but by virtue of the judgment; hence a defect in the warrant of commitment is immaterial. Peo. ex rel. Trainor v. Baker (1882), 89 N. Y. 460; Peo. ex rel. Dauchy v. Pitts (1907), 118 App. Div. 457, 103 N. Y. Supp. 258, 21 N. Y. Cr. 75. See generally Peo. v. O'Neil (1888), 47 Hun. 15, 13 N. Y. St. 231.

## § 718. Judgment of imprisonment, until fine be paid; extent of imprisonment; probation; restitution.

A judgment that the defendant pay a fine may also direct that he be imprisoned until the fine be satisfied; specifying the extent of the imprisonment, which cannot exceed one day for every one dollar of the fine. The court may require a defendant to pay a fine or restitution, or to make reparation, as provided in subdivision two of section four hundred and eighty-three. (*Amended by L.* 1910, *ch.* 609.)

**Derivation.**—L. 1876, ch. 61.

**References.**—Judgment to pay fine, § 484, ante. See also sections referred to under § 717, ante.

**Application** of provision for imprisonment until fine be paid, does not extend to convictions under the Liquor Tax Law (L. 1896, ch. 112, § 34), Peo. v. Stock (1898), 26 App. Div. 564, 50 N. Y. Supp. 483, aff'd., 157 N. Y. 681, 51 N. E. 1092; Peo. ex rel. Bedell v. Kinney (1897), 24 App. Div. 309, 48 N. Y. Supp. 749, 13 N. Y. Cr. 21.

**Imprisonment** until payment of fine for violation of ordinance limiting the speed of automobiles in villages. Chapman v. Selover (1919), 225 N. Y. 417, rev'g 172 App. Div. 858, 159 N. Y. Supp. 637.

**Effect upon prior special statute.**—(*L.* 1876, *ch.* 18) Matter of Hoffman (1883), 1 N. Y. Cr. 484.

**Days of imprisonment cannot exceed dollars of fine.**—Peo. ex rel. Stokes v. Riseley (1885), 38 Hun. 280, 4 N. Y. Cr. 109.

**Valid sentence.**—Peo. v. Sutton (1889), 6 N. Y. Supp. 95, 24 N. Y. St. 726.

**Alternative sentence.**—Matter of Bray (1890), 12 N. Y. Supp. 366, 34 N. S. St. 641.

**Modification of invalid sentence.**—Sentence of imprisonment for one hundred days in default of payment of fine of fifty dollars modified by prescribing a period of imprisonment not exceeding fifty days. Peo. v. Jeratina (1909), 62 Misc. 587, 116 N. Y. Supp. 1121, 23 N. Y. Cr. 272.

**§ 891-a. Violation of Section 887; subd. 4; commitment.**

Any person convicted in a city of a violation of subdivision four of section eight hundred and eighty-seven of the code of criminal procedure, shall be committed by the court or judge to any reformatory or house of refuge or other correctional institution for a period not to exceed three years or to a county jail, penitentiary or other penal institution for a period not to exceed one year, or placed on probation for a period not to exceed three years, provided, in the case of a person infected with venereal disease, such probation shall be granted only upon such terms and conditions as shall insure medical treatment of such disease and prevent the spread thereof, and no girl or woman shall be placed on probation except to a woman probation officer where available. The provisions of this subdivision shall not supersede the provisions of chapter six hundred and fifty-nine of the laws of nineteen hundred and ten or any amendment thereto, relating to the commitment of convicted persons. (*Added by L.* 1919, *ch.* 502, *in effect May* 9, 1919.)

**Commitment to Roman Catholic House of Good Shepherd** authorized. Peo. ex rel. Parker v. Mother Superior (1925), 212 App. Div. 169, 208 N. Y. Supp. 556.

**§ 903. Certificate to constitute record of conviction, and to be filed; commitment thereon; probation.**

The magistrate must immediately cause the certificate, which constitutes the record of conviction, to be filed in the office of the clerk of the county, and must, by a warrant signed by him with his name of office, commit the defendant to the county jail, or in the city of New York, to the city prison or penitentiary of that city, or in the county of Monroe, to the penitentiary of that county, or in the county of Westchester to the penitentiary and workhouse of that county, for not exceeding six months at hard labor, or until he gives the security prescribed in section nine hundred and one; or, if the defendant be a person described in the first or second subdivi-

sion of section eight hundred and ninety-nine, the magistrate may require him while on probation to pay through the probation officer weekly a reasonable sum for the support of his wife or children. (*Amended by L.* 1882, *ch.* 360; *L.* 1902, *ch.* 302; *L.* 1910, *ch.* 609; *L.* 1916, *ch.* 243.)

**Derivation.**—Same as § 901.

**Warrant of commitment,** respecting disorderly persons, is valid and protects the officer, if it describes the offense, conviction and sentence, although it does not recite the facts proved. Bennac v. Peo. (1848), 4 Barb. 31.

**Record of conviction,** contents. Matter of Travis (1878), 55 How. Pr. 347.

**Confinement of disorderly persons and vagrants in the Albany county penitentiary** is proper and lawful, notwithstanding the provisions of this section, as L. 1844, ch. 152, as amended by L. 1847, ch. 183, has not been repealed by the Criminal Code. Matter of Wacher (1881), 62 How. Pr. 352; Peo. v. Coffee (1881), 62 How. Pr. 445.

**Section cited.**—St. Agnes Training School v. County of Erie (1910), 68 Misc. 648, 652, 124 N. Y. Supp. 984; Matter of Nicholas, 31 Daily Reg. 165; Cuniff v. Beecher (1895), 84 Hun. 137, 32 N. Y. Supp. 1067; Peo. ex rel. Van Houten v. Sadler (1884), 97 N. Y. 146), 3 N. Y. Cr. 471.

### § 910. Court may discharge, place on probation, or authorize the binding out of disorderly person.

The court may discharge a person so committed from imprisonment, either absolutely or on parole under a salaried probation officer, or upon his giving security as provided in section nine hundred and one, or if he be a minor, may authorize the county superintendents of the poor, or the overseers of the poor of the town, or in the city of New York, the commissioner of charities, or in the county of Westchester, the commissioner of charities and corrections, to bind him out in some lawful calling as a servant, apprentice, mariner or otherwise, until he be of age, or if he be of age, to contract for his service with any person, as a laborer, servant, apprentice, mariner or otherwise, for not exceeding one year. The binding out or contract, pursuant to this section, has the same effect as the indenture of an apprentice, with his own consent and that of his parents, and subjects the person bound out or contracted, to the same control of his master and of the county court of the county, as if he were bound as an ap-

prentice. (*Amended by L.* 1895, *ch.* 880; *L.* 1910, *ch.* 609; *L.* 1916, *ch.* 240.)

**Derivation.**—R. S., pt. 1, ch. 20, tit. 5, Sec. 9.
**Note.**—§ 910k was sought to be repealed by L. 1923, ch. 306, in effect May 1, 1923. Possibly § 910 was intended.
**Section cited.**—Matter of Benchin v. Kempner (1910), 69 Misc. 410, 413, 127 N. Y. Supp. 614, affd., 143 App. Div. 125, 127 N. Y. Supp. 657. See Peo. ex rel. Van Houton v. Sadler (1884), 97 N. Y. 146, 3 N. Y. Cr. 471.

TITLE VII-A

(Art. VII-A added by L. 1923, ch. 868, in effect May 29, 1923.)

## Of Proceedings Respecting Wayward Minors

### § 913-a. Wayward Minor.

Any person between the ages of sixteen and twenty-one who either (1) is habitually addicted to the use of drugs or the intemperate use of intoxicating liquors, or (2) habitually associates with dissolute persons, or (3) is found of his or her own free will and knowledge in a house of prostitution or assignation or ill fame, or (4) habitually associates with thieves, prostitutes, pimps or procurers or disorderly persons, or (5) is wilfully disobedient to the reasonable and lawful demands of parent, guardian or other custodian and is in danger of becoming morally depraved may be deemed a wayward minor. (*Added by L.* 1923, *ch.* 868; *and amended by L.* 1924, *ch.* 389; *L.* 1925, *ch.* 389, *in effect April* 8, 1925.)

### § 913-b. Person may be adjudged wayward; summons; warrant.

Such person, where the charge is established upon competent evidence upon a hearing, may be so adjudged by any magistrate, other than a justice of the peace, where an information is laid before him on the complaint of a peace officer, parent, guardian, or other person standing in parental

relation or being the next of kin, or by a representative of an incorporated society doing charitable or philanthropic work. Such magistrate may issue a summons and where such summons is not obeyed may issue a warrant for the appearance of any such wayward minor, in the same manner as provided by the code of criminal procedure and such minors shall have all the rights secured by law to defendants in proceedings under this title. (*Added by L.* 1923, *ch.* 868, *amended by L.* 1925, *ch.* 389, *in effect April* 8, 1925.)

**§ 913-c. Probation; commitment.**

Any person adjudged a wayward minor before commitment to an institution shall, so far as practicable, be placed on probation for a period not to exceed two years, and in no event during any part of the last year of his or her minority, subject to the provisions of law applicable to persons placed on probation. If such minor, by reason of previous delinquency or other adequate reason, is not fit subject for probation, he or she shall be committed to any religious, charitable or other reformative institution authorized by law to receive commitments of persons over the age of sixteen years. Such commitment shall be for an indeterminate period not to exceed three years and if to a religious institution, so far as practicable, to one that is governed by persons of the same religious faith as such minor. (*Added by L.* 1923, *ch.* 868; *amended by L.* 1925, *ch.* 389, *in effect April* 8, 1925.)

**The defendant's commitment** made under § 89 of the Inferior Criminal Courts Act is illegal where it appears that she was charged with a violation of §§ 913-a and 913-b of the Code of Criminal Procedure, since she should have been sentenced in accordance with the provisions of the statute under which she was convicted. Peo. v. Rosenkrantz (1924), 123 Misc. 335, 205 N. Y. Supp. 861.

**§ 913-d. Release; parole; other disposition.**

Any person committed under the provisions of this title may be released or paroled in the manner provided by law with respect to adult and other offenders. Any person so

committed who is in the opinion of the responsible head of the institution where committed incapable of benefiting by the training and discipline thereof or whose conduct is prejudicial to the good order thereof, may be returned to the committing magistrate or to the magistrate sitting in his stead and transferred for the remainder of his or her term to any other institution to which such minor might have been committed in the first instance, or may be committed to a parent or guardian or be otherwise disposed of in accordance with the provisions of this act. (*Added by L.* 1923, *ch.* 868; *amended by L.* 1925, *ch.* 389, *in effect April* 8, 1925.)

L. 1925, ch. 389, § 3.—All acts or parts of acts inconsistent herewith, so far as the same may apply to persons of the age of sixteen years or over are hereby repealed but all such acts or parts of such acts relating to children under the age of sixteen shall continue in force as to such children.

## Part II

### *Penal Law*

**§ 1221. Intoxication in a public place.**

Any person intoxicated in a public place may be arrested without warrant while so intoxicated, and be taken before a magistrate having jurisdiction for examination on a charge of public intoxication. If such charge be sustained the court or magistrate shall:

1. Release such person on probation for a period not exceeding one year, and may in addition impose a fine not exceeding ten dollars payable in instalments as the Court may direct; or,

2. Impose upon such person a fine not exceeding ten dollars, or a sentence of imprisonment not exceeding six months, or both such fine and imprisonment; or,

3. Cause such person to be committed to a hospital and industrial colony as provided in subdivision two of section one hundred and thirty-nine-a of the general municipal law.

Provided that, whenever in any city a board of inebriety

shall have certified in writing to the mayor of such city that the hospital and industrial colony of said board is ready to receive inmates, and notwithstanding any other provision of law, the court or magistrates having jurisdiction, shall:

a. Dismiss the complaint upon the receipt of a written request for release from a person arrested for public intoxication and upon the receipt of a report from a probation officer of the board of inebriety as provided in subdivision one of section one hundred and thirty-nine-a of the general municipal law; or,

b. Issue warrant for the arrest of such person released pursuant to the provisions of subdivision one of section one hundred and thirty-nine-a of the general municipal law, and make such disposition of the case as is authorized in the subsequent provisions of this section; or,

c. Release such person, under the supervision of a probation officer appointed by the board of inebriety, for a period not exceeding one year and upon such conditions as the court may impose. Upon violation of any of these conditions the probationer may be arrested on a warrant issued by the president or secretary of the board of inebriety and brought before the court. The court may, thereupon, impose sentence upon such probationer as provided in the subsequent provisions of this section and shall do so if the probationer has been released under supervision two or more times and has twice violated the conditions of his release; or,

d. Release such person on probation as in the next preceding subdivision of this section, and in addition impose a fine not exceeding twenty-five dollars. Such fine may be paid in instalments in such amounts and at such times as the court may determine and shall be paid to the board of inebriety in such manner as said board may direct. Upon failure to pay such fine as directed, the probationer may be arrested and brought before the court as provided in the next preceding subdivision of this section. The court may, thereupon, impose sentence upon such probationer as provided in the subsequent

provisions of this section and shall do so if the probationer has been released two or more times with an added fine imposed and has twice failed to pay the fine. All fines and portions of fines so collected shall be reported to the court by which such fine was imposed; or,

e. Commit such person to the custody of the board of inebriety on an indeterminate sentence, for a period not exceeding six months, provided such person has not been previously committed to the custody of such board, and provided he has been previously arrested for public intoxication two or more times within the twelve months next preceding; or,

f. Commit such person to the custody of the board of inebriety on an indeterminate sentence, for a period of not less than six months nor more than one year, provided such person has previously been committed two or more times to such board; or,

g. Commit such person to the custody of the board of inebriety on an indeterminate sentence, for a period of not less than one year nor more than three years, provided such person has been previously committed two or more times to such board; or

h. Commit such person to a penitentiary for a period of not less than one year nor more than three years, provided such person has previously been committed to the board of inebriety and the board has applied to the court to be released from the care and custody of such person as provided in subdivision five of section one hundred and thirty-nine-a of the general municipal law. The provisions of section twelve hundred and twenty-one shall not apply to the city of New York. (*Amended by L.* 1911, *ch.* 700, *in effect July* 19, 1911.)

**Derivation.**—Liquor Tax Law, L. 1896, ch. 112, § 40, in part, as amended L. 1897, ch. 312, § 28. For remainder of section see § 1912, post.

**In general.**—See Peo. ex rel. Shortell v. Markell (1897), 20 Misc. 149, 45 N. Y. Supp. 904, 12 N. Y. Cr. 312; Peo. v. Brown (1909), 64 Misc. 677, 684, 120 N. Y. Supp. 859; Hill v. Peo. (1859), 20 N. Y. 363.

A general charge of drunkenness not amounting to a misdemeanor

under this section is not slanderous per se. Torres v. Hunter (1912), 150 App. Div. 798, 135 N. Y. Supp. 332.

**"A public place"** is one "that is in point of fact public as distinguished from private, a place that is visited by many persons and usually accessible to the neighboring public." Peo. v. Soule (1913), 142 N. Y. Supp. 876.

One intoxicated in a private house is not in a public place within the meaning of this section. Peo. v. Brown (1909), 64 Misc. 677, 120 N. Y. Supp. 859; Peo. v. Soloman (1907), 57 Misc. 288, 106 N. Y. Supp. 1110.

**What is clearly intended by the use of the term intoxication** in this section is that a person shall not be in such a condition by reason of alcoholic beverage as to attract the attention of the public to himself. Peo. v. Weaver (1919), 188 App. Div. 395, 177 N. Y. Supp. 71.

**Courts of special sessions** have exclusive jurisdiction in the first instance to determine a charge of intoxication in violation of this section. Peo. v. Quimby (1911), 72 Misc. 421, 131 N. Y. Supp. 349.

**Prosecution.**—Where one is arrested under this section it is not necessary to then issue a warrant. A judge of the Supreme Court or of the County Court may not order an offense under this section to be prosecuted by indictment. Peo. v. Mulkins (1898), 25 Misc. 599, 54 N. Y. Supp. 414.

### § 1943. Procedure relating to resentencing.

If at any time, either after sentence or conviction, it shall appear that a person convicted of a felony has previously been convicted of crimes as set forth either in section nineteen hundred and forty-one or nineteen hundred and forty-two, it shall be the duty of the district attorney of the county in which such conviction was had to file an information accusing the said person of such previous convictions. Whereupon, the court in which such conviction was had shall cause the said person, whether confined in prison or otherwise, to be brought before it and shall inform him of the allegations contained in such information and of his right to be tried as to the truth thereof according to law, and shall require such offender to say whether he is the same person as charged in such information or not. If he says he is not the same person or refuses to answer, or remains silent, his plea, or the fact of his silence, shall be entered of record and a jury shall be empanelled to inquire whether the offender is the same person mentioned in the several records as set forth in such information. If the jury finds that he is the same person or if he acknowledges or confesses in open court, after being duly cautioned as to his

rights, that he is the same person, the court shall sentence him to the punishment prescribed in said sections nineteen hundred and forty-one and nineteen hundred and forty-two, as the case may be, and shall vacate the previous sentence, deducting from the new sentence all time actually served on the sentence so vacated. Whenever it shall become known to any warden or prison, probation, parole, or police officer or other peace officer that any person charged with or convicted of a felony has been previously convicted within the meaning of said sections nineteen hundred and forty-one or nineteen hundred and forty-two, it shall become his duty forthwith to report the facts to the district attorney of the county. (*Added by L.* 1926, *ch.* 457, *in effect July* 1, 1926.)

**§ 1944. Committing felony while armed.**

If any person while in the act of committing a felony, or attempting to commit a felony, shall be armed with a pistol or any of the weapons or instruments specified in sections eighteen hundred and ninety-six, eighteen hundred and ninety-seven, or eighteen hundred and ninety-seven-a, the punishment elsewhere prescribed in this law for the felony of which he is convicted, shall be increased by imprisonment in State's Prison for not less than five nor for more than ten years. Upon a second conviction for a felony so committed such period of imprisonment shall be increased by not less than ten years nor more than fifteen years; and upon a third conviction for a felony so committed, such period of imprisonment shall be increased by not less than fifteen nor more than twenty-five years. Upon a fourth or subsequent conviction for a felony so committed, the person so convicted shall be imprisoned for life or for a term not less than twenty-five years in the discretion of the court. In no case shall any person punishable as above provided be put upon probation, or have the execution of his sentence suspended, notwithstanding the provisions of section twenty-one hundred and eighty-

eight, for the increased term of his punishment imposed as above. (*Added by L.* 1926, *ch.* 705, *in effect July* 1, 1926.)

**§ 2188. Duty of court to sentence; suspending sentence; suspending execution of judgment; probation.**

The several sections of this chapter which declare certain crimes to be punishable as therein mentioned devolve a duty upon the court or magistrate authorized to pass sentence to determine and impose the punishment prescribed; but a court or magistrate authorized to impose sentence upon conviction of any crime not punishable by death or life imprisonment, or in any case of juvenile delinquency, or in any other proceeding of a criminal nature, whether the defendant has previously been convicted of a crime or not, may suspend sentence or impose sentence and suspend the execution of the judgment and may in either case place the defendant on probation in accordance with the provisions of section eleven-a of the code of criminal procedure. No provision of this chapter or of the code of criminal procedure or of any general statute shall be construed to prevent the court or magistrate authorized to impose sentence from exercising discretion to suspend sentence or suspend the execution of the judgment or to place on probation as hereinabove provided. If sentence shall have been suspended or, if sentence shall have been imposed and execution of the judgment shall have been suspended, at any time thereafter within the longest period for which a defendant might have been committed in the first instance or, if the defendant is on probation and the period of probation exceeds the period for which the defendant might have been sentenced, at any time while the defendant remains on probation, the court or magistrate having jurisdiction may issue process for the rearrest of the defendant, and when such defendant is arraigned may, if sentence shall have been suspended, impose any sentence or make any commitment which might have been imposed or made at the time of conviction or may, if sentence shall have been imposed and execution of the judgment suspended, revoke

the order suspending execution of judgment and order executed the judgment the execution of which shall have been suspended or may modify the judgment so as to provide for the imposition of any punishment which might have been imposed at the time of conviction. Provided, however, that the imprisonment directed by the judgment shall not be suspended or interrupted after such imprisonment shall have commenced. (*Amended by L.* 1918, *ch.* 457; *L.* 1920, *ch.* 568; *L.* 1925, *ch.* 276, *in effect Sept.* 1, 1925.)

**Derivation.**—Penal Code, § 12, as amended L. 1893, ch. 279; L. 1905, ch. 655.

**References.**—See Criminal Code, §§ 470a, 470b.

The provisions for appointing a time for pronouncing judgment and what causes may be shown against it are regulated by sec. 471 et seq. of the Criminal Code.

Punishment for second offenses. §§ 1940, 1941, ante.

**In general.**—See Peo. ex rel. Sheldon v. Curtin (1912), 152 App. Div. 364, 136 N. Y. Supp. 516; Peo. v. Brown (1912), 153 App. Div. 234, 138 N. Y. Supp. 7; Ackerman v. Berriman (1908), 61 Misc. 165, 114 N. Y. Supp. 937.

**Application.**—"It is a matter of common knowledge to the bench and bar, and a fact therefore, of which the court may take judicial notice 'that this section is construed' as applicable to the suspension of execution as well as the suspension of the passing of sentence." Peo. v. Goodrich (1914), 149 N. Y. Supp. 406.

**This section does not apply to offenses created by the Liquor Tax Law**; it is confined to offenses defined by the Penal Law. Peo. ex rel. Hirschberg v. Seeger (1917), 179 App. Div. 792, 166 N. Y. Supp. 913, appeal dismissed 223 N. Y. 659.

**The power to suspend sentence after conviction** is inherent in every court of record having criminal jurisdiction. Peo. ex rel. Forsyth v. Court of Sessions (1894), 141 N. Y. 293, 23 L. R. A. 856, overruling Peo. v. Morrisette, 20 How. Pr. 118 and collating the authorities. See also Peo. ex rel. Decker v. Page (1925), 125 Misc. 538, 211 N. Y. Supp. 401; Peo. v. Archer, 18 Chic. Leg. News 245; Peo. v. Mueller, 4 Crim. L. Mag. 725; Miller's Case, 9 Cow. 370. A Court of Special Sessions has the same power. Peo. ex rel. Dunigan v. Webster (1895), 14 Misc. 617, 36 N. Y. Supp. 945, 11 N. Y. Cr. 484, aff'd., 1 App. Div. 631, 37 N. Y. Supp. 1148.

This section is the only direct statutory authority for the suspension of sentence. Peo. v. Goodrich (1914), 149 N. Y. Supp. 406.

"The utmost that could be claimed for section 2188 of the Penal Law would be that it conferred judicial discretion to sentence." Peo. v. Craig (1913), 79 Misc. 98, 140 N. Y. Supp. 652.

Where the defendant in a criminal action has been sentenced to a definite period of imprisonment in a penitentiary, the court has no power subsequently to suspend the execution of that part of the judgment

which provides for the imprisonment. Peo. v. Boehm (1917), 176 App. Div. 401, 163 N. Y. Supp. 22, aff'd. 226 N. Y. 705.

**Power of court after imprisonment commenced.**—A provision in a judgment and sentence of one convicted of a felony, who was sentenced to an indeterminate term in a state prison the minimum of which was fixed at two years and six months that "After serving one year of the aforesaid sentence, the defendant is to be returned to the county court of Bronx county for final disposition," is invalid as a violation of this section, which provides that "the imprisonment directed by the judgment, shall not be suspended or interrupted after such imprisonment shall have commenced." Peo. ex rel. Paris v. Hunt (1922), 201 App. Div. 573, 194 N. Y. Supp. 699, aff'd. 234 N. Y. 558; rev'g 118 Misc. 44, 192 N. Y. Supp. 692.

**But if the rights or status of the prisoner are changed** after the suspension of the sentence, as if the prisoner is under sixteen years of age and may be sentenced to the House of Refuge, which does not disfranchise him—after passing that age he cannot be sentenced under the conviction had before attaining that age. Peo. v. Harrington (1884), 15 Abb. N. C. 161, 3 N. Y. Cr. 139, 141, 1 How. Pr. (N. S.) 35, 37.

**The fact that the court erred in prescribing the condition** that defendant should leave the county and not return for ten years did not operate to make the suspension of sentence equivalent to a pardon, and it was proper at any time to revoke the order suspending the sentence. Peo. ex rel. Pasco v. Trombly (1916), 173 App. Div. 497, 160 N. Y. Supp. 67.

**The fact that the pardoning power is lodged in the executive** does not affect the power of the judiciary to suspend sentence. Peo. v. Mueller, 4 Crim. L. Mag. 725; Peo. ex rel. Forsyth v. Court of Sessions (1894), 141 N. Y. 293.

## Part III

### *State Boards and Commissions Law*

The statute creating the State Probation Commission was chapter 430, Laws of 1907, as amended by chapter 56, Laws of 1909, and chapter 613, Laws of 1910. (State Boards and Commissions Law, sections 30 and 31.)

### § 30. Organization, powers and duties of state probation commission. The state probation commission is continued.

Such commission shall exercise general supervision over the work of probation officers throughout the State, and shall consist of seven members, who shall serve without compensa-

tion as members of such commission. The state board of charities, and the state commission of prisons, shall, respectively, once each year, designate a member of their respective bodies to act as members of the state probation commission; and the commissioner of education shall be, ex-officio, a member thereof. As the terms of the appointive members, first appointed by the governor, shall expire, their successors shall be appointed by the governor within thirty days thereafter for a term of four years each. All vacancies occurring among appointive members, from whatsoever cause, shall be filled as soon as practicable thereafter by the governor for the unexpired term. Any appointive member may be removed by the governor for cause and after an opportunity to be heard before the governor. The state commission shall meet at stated time to be fixed by such commission, not less than once every two months. It shall collect and publish statistical and other information and make recommendations as to the operations of the probation system. It shall keep itself informed as to the work of all probation officers, and shall from time to time inquire into their conduct and efficiency. It may require reports from probation officers on blanks furnished by the commission. It shall each year inform all magistrates and probation officers of any legislation directly affecting probation and shall each year publish a list of all probation officers in the state. It shall endeavor, by such means as may seem to it most suitable, to secure the effective application of the probation system and enforcement of the probation law in all parts of the state. It shall make an annual report to the legislature showing its proceedings under this article and the results of the probation system as administered in the various localities in the state, with any suggestions or recommendations it may consider wise for the more effectual accomplishment of the general purposes of this article. Said commission in the discharge of its duties shall have access to all offices and records of probation officers, but this section shall not be construed as giving said commission access to the records of

any society for the prevention of cruelty to children or humane society. The state commission may direct an investigation by a committee of one or more of its members of the work of any probation officer and for this purpose, the member or members designated to make such investigation are hereby empowered to issue compulsory process for the attendance of witnesses and the production of papers, to administer oaths and to examine persons under oath, and to exercise the same powers in respect to such proceeding as belong to referees appointed by the supreme court.

**§ 31. Employees of state probation commission.**

The state probation commission shall employ a chief executive officer, who shall be its secretary, and who shall receive a salary at the rate of not less than three thousand five hundred dollars a year; a stenographer and such other employees, within the limits of the sums appropriated for its use by the legislature, as may be necessary in the conduct of the business of such commission. The duties of such executive officer and other employees shall be designated by said commission. The legislature shall provide for the necessary and reasonable traveling expenses of the members of said commission and of the employees thereof. Such salaries and expenses shall be paid by the treasurer on the warrant of the comptroller, after approval by the commission.

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